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INTERNATIONAL REVIEW

OF THE RED CROSS



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INTERNATIONAL REVIEW OF THE RED CROSS

CONTENTS

SEPTEMBER-OCTOBER 1994
No. 302

FOLLOW-UP TO THE INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS

(Geneva, 30 August - 1 September 1993)

Introduction.....	411
Preparing the meeting of the group of intergovernmental experts for the protection of war victims (Geneva, 23-27 January 1995)	
● <i>Note by the Swiss Government</i> (March 1994)	414
● Protection of war victims — <i>Suggestions of the International Committee of the Red Cross</i> (April 1994)	425
● <i>Meeting of legal advisers of National Red Cross and Red Crescent Societies</i> (Geneva, 12-13 September 1994)	442
● <i>Preparatory meeting</i> (Geneva, 26-28 September 1994)	446
Hans-Peter Gasser: Universal acceptance of international humanita- rian law — Promotional activities of the ICRC.....	450
<i>States party to the most important international humanitarian law treaties</i> (as of 30 September 1994)	458
María Teresa Dutli: Implementation of international humanitarian law — National measures — <i>Information received by the ICRC on implementation measures taken by the States at the national level</i>	464
	409

INTERNATIONAL COMMITTEE OF THE RED CROSS

New ICRC Vice-President	470
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IN THE RED CROSS AND RED CRESCENT WORLD

Isabelle Raboud: Florence Nightingale	471
The Polish Red Cross: 75 years of activity — Landmarks in the Society's history from 1919 to the present	477
Recognition of the Red Cross of Equatorial Guinea	486

MISCELLANEOUS

International Conference for the Protection of War Victims (Geneva, 30 August - 1 September 1993) — <i>Follow-up by worldwide and regional international organizations</i>	488
Regional Seminar for English-speaking African countries (Harare, 31 January-4 February 1994)	499
Declarations by the Republic of Namibia	502

BOOKS AND REVIEWS

Principes de droit des conflits armés (<i>Principles of the law of armed conflict</i>) — Paul Reuter Prize 1994 (<i>Eric David</i>)	503
Il tempo di Zeithain, 1943-1944 (<i>Diary of a young Red Cross nurse</i>) (<i>Maria Vittoria Zeme</i>)	507
Landmines: A Deadly Legacy (<i>The Arms Project of Human Rights Watch and Physicians for Human Rights</i>)	509
Addresses of National Red Cross and Red Crescent Societies	511

FOLLOW-UP TO THE INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS

(Geneva, 30 August - 1 September 1993)

Introduction

The International Conference for the Protection of War Victims, which was held in Geneva from 30 August to 1 September 1993, gave the States an opportunity to voice their refusal passively to accept the very grave violations of humanitarian rules today being committed in many armed conflicts and to reaffirm their willingness to do their utmost to respect and ensure respect for international humanitarian law.

Convinced that this willingness should be translated into specific action and that steps must be taken to ensure the implementation of the recommendations made in the Final Declaration, the Conference delegates took up an initiative inspired in large part by the Russian Federation and asked the Swiss government "to convene an open-ended intergovernmental group of experts to study practical means of promoting full respect for and compliance with [humanitarian] law and to prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent".

This second series of articles in the Review¹ deals mainly with the preparations for convening the Intergovernmental Group of Experts which will meet in Geneva from 23 to 27 January 1995.

The International Committee of the Red Cross made its views and concerns known during the 1993 Conference and has taken active part in this further phase of a study to which it attaches particular importance.

¹ The reader is referred to the first series of articles on the follow-up to the 1993 Conference which appeared in the January-February 1994 issue of the *Review*.

In order to facilitate the work of the Intergovernmental Group of Experts, in March 1994 the Swiss government sent the States which had been invited to attend the International Conference for the Protection of War Victims a note containing a list of possible subjects for consideration by the experts and asking them to comment on the topics proposed, to put forward their own suggestions and to set priorities. At the request of the Swiss government, in April 1994 the ICRC itself sent the same States several additional ideas and suggestions on the following major subjects: universal acceptance of the instruments of international humanitarian law, respect for international humanitarian law, prevention and repression of violations of international humanitarian law, and the making of reparations.

The note from the Swiss government and the ICRC document are to be found on pages 414 and 425, respectively.

To lay the groundwork for the meeting of experts in January 1995, the Swiss government convened a preparatory meeting in Geneva from 26 to 28 September 1994 to establish an order of priority for the suggestions put forward. It was attended by approximately sixty delegates, who examined a document summarizing the comments of States concerning measures to promote respect for international humanitarian law. Their recommendations are set out on pages 447-449.

Furthermore, in keeping with the spirit of Resolution 2 of the October 1993 Council of Delegates, the National Red Cross and Red Crescent Societies and their Federation were invited to make suggestions as to the follow-up to be given to the 1993 Geneva Conference and the Movement's role in promoting respect for international humanitarian law and the application of its provisions. For this purpose, the ICRC convened a meeting of legal advisers from National Societies on 12 and 13 September 1994. An account of the proceedings is to be found on page 442.

* * *

What conclusions can be drawn after eight months of preparations, approaches and exchanges of views? Undoubtedly, these preparatory and consultative meetings have helped to clarify and define more explicitly the fundamental questions which must be resolved to attain universal acceptance of humanitarian law and greater respect for it. In this connection, two articles should be consulted in this issue; one analyses the accession of States to the main humanitarian treaties and the measures taken by the ICRC to encourage States to become party to them

(see page 450), while the other gives concrete examples of national measures adopted in some countries (see page 464).

It is gratifying to note that the participants in these preparatory discussions clearly wish the experts meeting in January to clarify and examine in greater depth most of the fundamental questions which the Swiss government and the ICRC formulated in their respective reports. In addition, emphasis was placed on accentuating the role of the Movement and that of the International Conference of the Red Cross and Red Crescent in promoting, disseminating and implementing international humanitarian law.

It is also encouraging to see that more and more international and regional institutions have decided, in resolutions recently adopted by their statutory bodies, to back up efforts to promote respect for international humanitarian law (in this connection, see under "Miscellaneous", pp. 488-501).

Nevertheless, there are still many hurdles to be overcome: the politicization of humanitarian issues, the trivialization of violence and, an even more insidious problem, the indifference of the authorities concerned. Quite clearly, more than mere lip service is required to make preventive measures really effective; a simple undertaking to do something is not enough. As the ICRC pointed out at the close of the preparatory meeting, "such [preventive] measures require enthusiasm if they are to succeed. States must firmly believe in them and, beyond the signing of polite agreements, they must devote the necessary human and financial resources to them".

The Review

Preparing the meeting of the group of intergovernmental experts for the protection of war victims

NOTE BY THE SWISS GOVERNMENT

March 1994

Mandate of the meeting

In its “Final Declaration” adopted on 1 September 1993, the International Conference for the Protection of War Victims (Geneva, 30 August to 1 September 1993) conferred upon an intergovernmental group of experts to be convened by the Swiss Government the mandate to study *“practical means of promoting full respect for and compliance with [international humanitarian] law, and to prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent”*.

The expert meeting's main topic — respect for international humanitarian law (IHL) — may be divided into **three aspects**, each meriting separate legal and practical consideration: 1. **universal acceptance** of the pertinent international instruments; 2. **prevention** of violations of IHL; and 3. **observance** of IHL and **repression** of violations.

In accordance with this subdivision, the following paragraphs will outline some of the States' basic obligations, comment on the extent to which they have been met, and, in order to initiate the international discussion, present a list of possible measures to diminish the discrepancy between the two.

I. Universal acceptance of IHL instruments

1. Introduction

While the four Geneva Conventions of 1949 enjoy practically universal recognition today, accession to other IHL instruments granting addi-

tional protection to the victims of war, protecting other rights and/or limiting the methods of warfare ought to be further promoted.

The Final Declaration of the International Conference for the Protection of War Victims, in its Part II, paragraph 4, urged all States to consider or reconsider becoming party to the following four IHL instruments adopted since 1949:

- the Protocol additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts, of 8 June 1977 (**Protocol I**);
- the Protocol additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts, of 8 June 1977 (**Protocol II**);
- the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols (**1980 Weapons Convention**);
- the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (**1954 Hague Convention**).

In addition the Final Declaration, Part II, paragraph 6, urged all States to consider recognizing the competence of the **International Fact-Finding Commission** according to Article 90 of Protocol I.

2. International legal obligations

States party to a multilateral legal instrument are, as a rule, **not obliged** to promote accession thereto. On the other hand, it is arguably in their **own best interest** to enlarge the circle of States that are bound by the same legal commitments.

3. Current state of accessions

At the end of February 1994, the following number of States had become party to the four international instruments listed above:

- Protocol I: 130 States;
- Protocol II: 120 States;
- 1980 Weapons Convention: 41 States;
- 1954 Hague Convention: 83 States.

4. Possible measures

The following **players on** the international scene could promote, through appropriate measures, the accession of States to the instruments referred to above as well as recognition of the competence of the International Fact-Finding Commission:

- a) **High Contracting Parties:** by encouraging accession in their bilateral contacts with non-contracting States; through interventions in the general framework of universal and regional organizations; through interventions at multilateral events specifically dedicated to IHL;
- b) **depositaries** of IHL instruments: by expressly inviting individual non-contracting States to accede; through periodical publication of the state of accessions; through interventions at events dedicated to IHL;
- c) **UN:** through regular inclusion of the question of accession in the agenda of the General Assembly;
- d) **regional intergovernmental organizations:** by drawing IHL instruments to the attention of their respective members;
- e) **ICRC:** through bilateral and multilateral appeals to non-contracting States;
- f) **NGOs:** High Contracting Parties could encourage NGOs to join in efforts to promote the accession of non-contracting States to IHL instruments.

5. Non-international armed conflicts and customary rules

The experts may wish to explore and recommend to the States measures designed to **strengthen customary rules** beyond treaty-based obligations, such as the promulgation of national military manuals that do not distinguish between the rules applicable to international armed conflicts and those applicable to non-international armed conflicts.

II. Prevention of violations of IHL

1. Introduction

The atrocities committed on a large scale in many of today's armed conflicts show that practically universal acceptance of the Geneva Conventions and the fact that a considerable number of States have become party to the Protocols are by no means a guarantee for observance of the

rules of IHL. Above and beyond accession to an IHL instrument it is indispensable, on the one hand, to incorporate its provisions in national legislation, thus laying the legal foundation for domestic enforcement and repression, and, on the other hand, to spread knowledge of its content among the general public and, most of all, the armed forces.

2. International legal obligations

According to the generally recognized principle of *pacta sunt servanda*, a State party to a treaty is obliged to ensure, within its jurisdiction, that the treaty is put into effect. This **duty to implement** international obligations through appropriate national measures is specifically set forth in Article 80 of Protocol I stating that the High Contracting Parties “shall take all necessary measures for the execution of their obligations under the Conventions and this Protocol”.

Articles 47, 48, 127 and 144 of the four Geneva Conventions respectively, Article 83 of Protocol I, Article 19 of Protocol II, Article 25 of the 1954 Hague Convention and Article 6 of the 1980 Weapons Convention oblige the States party, to varying degrees, to **disseminate** those instruments as widely as possible within their countries (Protocol II), to include the study thereof in the programmes of military, and, if possible, civil instruction (Geneva Conventions and 1954 Hague Convention) and to encourage such study by the civilian population (Protocol I).

Articles 48, 49, 128 and 145 of the Geneva Conventions respectively, Article 84 of Protocol I and Article 26 of the 1954 Hague Convention oblige the States party to **communicate** to each other, *inter alia* through the depositary, their official **translations** of the said instruments as well as the laws and regulations adopted to ensure their application.

Finally, Resolution V of the 25th International Conference of the Red Cross (1986) urged the States party to the Geneva Conventions and the Protocols to meet their obligation to adopt or to supplement national legislation implementing the Geneva Conventions and the Protocols and to inform each other, through the depositary, of the measures thus taken.

3. Current state of national measures taken

The extent to which individual States party have adopted national measures to implement IHL instruments is **difficult to assess**, as only about one third of the States party to the Geneva Conventions have responded to the various appeals of the ICRC to report on those measures (no pertinent information is available with regard to the 1980 Weapons Convention and the 1954 Hague Convention). Information on the efforts

made by States party to disseminate IHL within the individual countries is also difficult to obtain. The exchange, through the depositaries, of official translations of the instruments themselves and the implementing national legislation is **unsatisfactory**.

4. Possible measures

a) To promote implementation of IHL

aa) Creation of **national committees** at an interministerial level, or appointment of persons or government offices in charge of **coordinating and supervising** within national administrations, the measures adopted to implement IHL instruments.

bb) Cooperation between States:

i) translations (into an official UN language) of IHL instruments and of implementing national laws and regulations and transmission thereof to the other States party;

ii) exchange of information concerning national measures of implementation in the framework of bilateral and multilateral military cooperation;

iii) exchange of information between the offices responsible in each State party for the implementation of IHL.

cc) Establishment of “**advisory services in the field of IHL**” supporting the States in their efforts to implement IHL. This could notably be done in one of three ways: by inviting the ICRC to assume this task; by utilizing the Centre for Human Rights in Geneva; or by creating a new institution, be it under the Conventions or on another basis (e.g., pursuant to a resolution of the competent body of the International Red Cross and Red Crescent Movement).

dd) Establishment of a **reporting system** with regard to the national implementing measures taken by States party. Such an institutionalized system could be created under the Conventions or in other ways. The constituent international instrument would have to determine the nature and duration of the mandate of the institution, its composition and powers, the funding of its operations, its relationship to the ICRC, the frequency of the reports, their content as well as the manner in which they are examined, etc.

It may be added in this context that Resolution V of the 25th International Conference of the Red Cross (1986) already contained rudi-

mentary steps towards the creation of such a reporting system: paragraph 3 calls upon the States to give the ICRC their full support and all necessary information to enable it to monitor the progress made in taking national measures of implementation.

- ee) Organization, by the ICRC, of regional seminars to promote the adoption of implementation measures.

b) To promote dissemination of IHL

- aa) **Education** and training of the members of the **armed forces and security forces** and of **contingents** placed at the disposal of the United Nations, having due regard to their respective level of responsibility.
- bb) **Education** in **schools** and other institutions of education; dissemination through the media, non-governmental organizations and National Red Cross and Red Crescent Societies.
- cc) Specific **education** as part of **military** assistance and cooperation **programmes**.
- dd) **Reports to the ICRC** on national efforts of dissemination with a view to improving the coordination of those efforts.
- ee) Establishment of “**advisory services in the field of IHL**” to assist the States in their dissemination efforts as well (see 4 a) and cc)).
- ff) **Appeals** to the States party to transmit to the depositaries **translations** of the relevant IHL instruments and of national implementing laws and regulations.

III. Observance of IHL and repression of violations

1. Introduction

IHL is based on the principle that parties which have failed to find peaceful means to settle their differences are bound by basic rules of humanity in conducting any armed conflict that might ensue. Observance and enforcement of IHL is therefore primarily the responsibility of the civilian and military leadership of a party to an armed conflict.

It is imperative that the domestic laws and prosecution mechanisms necessary to repress violations of IHL be established already in peacetime: firstly, for reasons of prevention and dissuasion; secondly, because it may

for political and practical reasons be less feasible to do so during an armed conflict; and thirdly, because the existence of a comprehensive penal code for war crimes ensures from the outset of an armed conflict that repression of IHL violations does not contravene the principle of *nulla poena sine lege*.

2. International legal obligations

Article 1 common to the four Geneva Conventions and Article 1 of Protocol I oblige the States party “to respect and to ensure respect for” those instruments in all circumstances. There is no equivalent provision in Protocol II, the 1954 Hague Convention and the 1980 Weapons Convention. The obligation to respect the latter instruments, however, is indubitably an implicit consequence of accession thereto.

The Geneva Conventions (Articles 49 and 50 of the First Convention, 50 and 51 of the Second, 129 and 130 of the Third, and 146 and 147 of the Fourth), Protocol I (Articles 85 and 86) and the 1954 Hague Convention (Article 28) oblige the States party to provide in their national legislation for the prosecution of (or disciplinary measures against) persons violating those instruments.

3. Observance and repression in today's armed conflicts

As the manner in which the hostilities are conducted in many armed conflicts around the world today speaks largely for itself, a detailed analysis of the degree to which IHL is currently observed would seem unnecessary in this context. Suffice it to refer to the “Report on the Protection of War Victims” submitted by the ICRC to the International Conference for the Protection of War Victims.

One frequent situation that should be addressed in this context, however, is that characterized by a total **collapse of all governmental authority** capable of effectively ensuring observance of IHL and repression of breaches thereof.

4. Possible measures

a) *Questions of a general nature*

The experts may wish to initiate the discussion of measures to promote observance of IHL and repression of violations by attempting to **define the content and the extent** of the obligation of States party to “**ensure respect**” for the Geneva Conventions and Protocol I, i.e., to examine the role to be played by third States not involved in a given armed conflict.

Such an undertaking could prove to be as difficult as it would be useful, as the Geneva Conventions and Protocol I impose upon all States party the obligation to enforce IHL without providing them with the necessary means to do so. The measures currently available to the said States to ensure respect for IHL do not differ from those normally relied upon to enforce any other international obligation, such as diplomatic intervention, retorsion or non-military reprisals. Even the ultimate mechanism to ensure respect for IHL, i.e., the use of force, has its legal foundation not in IHL but in the pertinent rules of the Charter of the United Nations.

Along similarly general lines, the experts may wish to address the fact, criticized at times, that political bodies have on occasion provided **assistance** to victims of armed conflicts according to **political** rather than humanitarian **criteria**.

b) Improving existing mechanisms

aa) Protecting Powers

The Geneva Conventions, Protocol I and the 1954 Hague Convention provide for the Protecting Powers entrusted with representing the interests of the parties to an armed conflict to facilitate and monitor their application. This supervisory mechanism can function, however, only if the Protecting Power appointed by one party to an armed conflict is accepted by the other. In the course of the last 45 years, this mechanism has been resorted to in but a handful of armed conflicts, e.g., the Suez crisis (1956), the Goa conflict (1961), the conflict between India and Pakistan (1971-1972) and the Falkland-Malvinas conflict (1982). Even in those cases, the Protecting Powers were not able to carry out all the tasks conferred upon them by IHL.

In this situation, the experts may want to examine the reasons for the poor functioning of this mechanism and explore ways of promoting the designation and acceptance of Protecting Powers.

bb) Investigation under the Geneva Conventions

According to Articles 52/53/132/149 common to the Geneva Conventions an investigation of alleged violations of those instruments shall be conducted pursuant to a procedure agreed upon by the parties to a particular armed conflict. The main weakness of this mechanism is that its functioning depends entirely on the willingness of the parties to the armed conflict to cooperate. The experts are invited to examine possibilities to promote the utilization of this verification mechanism.

cc) International [Humanitarian] Fact-Finding Commission (IHFC)

Mainly in order to **remedy the flaw** inherent in the investigation procedure under the Geneva Conventions, Protocol I introduced in its Article 90 a mechanism designed to render it more difficult for the parties to an armed conflict to escape international scrutiny. The International Fact-Finding Commission is competent to **enquire** into allegations of **grave breaches** as defined in the Geneva Conventions and Protocol I and other serious violations of these instruments and to facilitate, through its good offices, the restoration of an attitude of respect for the said Conventions and Protocol.

The principal novelty of this enquiry mechanism is its **obligatory** character for those States party to Protocol I having recognized *ipso facto and without special agreement the competence* of the International Fact-Finding Commission. While the Commission may also enquire into situations where the party requesting the enquiry and/or the one against which the enquiry is conducted has (have) not made the declaration provided for in Article 90, it may do so only with the consent of the other party(ies) concerned.

So far, 38 States party to Protocol I have made the declaration to the depositary.

It is thus of great **importance** that the Commission attain universal recognition.

dd) Cooperation of the States party to Protocol I with the UN

In situations of serious violations of the Geneva Conventions or of Protocol I, the States party “undertake to act, jointly or individually, in cooperation with the United Nations” and in conformity with its Charter (Article 89 of Protocol I).

Here, the experts could explore ways and means of cooperation between States and the UN to ensure respect for IHL within the realm of *jus in bello* (see 4 a) *supra*).

ee) Improvement of national measures to repress violations of IHL

As the obligation to repress violations of IHL is often not observed in a satisfactory manner, the experts may wish to discuss possible means of improving this situation.

ff) Compensation of damages

Each party to an armed conflict bears the responsibility for acts committed by members of its armed forces. In cases of wrongful acts, it

is obliged to repair the damages caused and to pay compensation (Article 91 of Protocol I).

The experts could explore procedures for the payment of compensation which would effectively give the victims what they are legally entitled to.

c) Establishment of new mechanisms

aa) Periodic convocation of conferences by depositaries

According to Article 7 of Protocol I, the depositary “shall convene a meeting of the High Contracting Parties, at the request of one or more of the said Parties and upon approval of the majority of the said Parties, to consider **general problems** concerning the **application** of the Conventions and of [Protocol I]”. The 1954 Hague Convention and the 1980 Weapons Convention contain similar provisions (Articles 27 and 8 respectively). Objectives, organization and convocation procedure would merit a more thorough examination.

bb) Multilateral framework for discussing specific cases of violations of IHL

Conferences to discuss concrete violations of IHL instruments could also be held regularly and within a structured framework. The establishment of a new forum for that purpose — or the utilization of an existing one, such as the International Conference of the Red Cross and the Red Crescent — would have to be examined.

cc) Internal reporting on the observation of IHL

Some States require their **armed forces** to report to a **supervisory body** (e.g., the legislative power) on how the hostilities were conducted in a given armed conflict and how IHL considerations influenced their military operations.

The experts could recommend that all States adopt such a policy of international reporting and accountability for the observation of IHL during armed conflicts.

dd) Establishment of an international penal court for the repression of violations of IHL

Since the adoption of the Geneva Conventions, penal repression of violations of IHL has depended exclusively on the willingness of an individual State to prosecute or extradite suspected war criminals appre-

hended within its jurisdiction. For various reasons, this system of dissuasion and repression has not always worked satisfactorily.

Therefore, the establishment of an international penal court exercising universal jurisdiction over violations of IHL is necessary in order to ensure an equitable administration of international justice uninfluenced by the political mood of the times. Hence, the experts may wish to address some of the issues surrounding the establishment of such a court. On the other hand, this topic should probably not constitute a priority at the expert meeting, as the establishment of a penal jurisdiction is already extensively dealt with in other international fora.

Bern, March 1994.

**Preparing the meeting of the group
of intergovernmental experts
for the protection of war victims**

* * *

PROTECTION OF WAR VICTIMS

* * *

*Suggestions of the International Committee
of the Red Cross*

Geneva, April 1994

TABLE OF CONTENTS		<i>Pages</i>
Introduction		427
1. Universal accession to the instruments of international humanitarian law		427
2. Prevention of violations of international humanitarian law		429
2.1 Implementation of international humanitarian law		429
2.1.1 <i>Setting up of national interministerial committees</i>		429
2.1.2 <i>International cooperation</i>		430
2.1.3 <i>Dissemination of international humanitarian law</i>		431
2.1.3.1 Coordination of efforts		431
2.1.3.2 Instruction to the armed forces		432
2.1.3.3 Role of the media		433
3. Respect for international humanitarian law and repression of violations		434
3.1 Clarification of international humanitarian law		434
3.1.1 <i>Humanitarian rules applicable to the conduct of hostilities</i>		434
3.1.2 <i>Environment and war</i>		435
3.1.3 <i>War at sea</i>		435
3.1.4 <i>Right of victims of armed conflicts to receive protection and assistance</i>		435
3.2 Joint responsibility of States party to the Geneva Conventions to "ensure respect" for international humanitarian law by parties to conflict		437
3.2.1 <i>Content of the obligation to ensure respect for international humanitarian law</i>		437
3.2.2 <i>Cooperation of States party to the Geneva Conventions in the event of grave violations of international humanitarian law</i>		438
3.2.2.1 Cooperation within the UN		438
3.2.2.2 Cooperation outside the UN framework		439
3.2.2.3 Possibility of setting up new structured multilateral fora		439
3.3 Repression of grave breaches of international humanitarian law (war crimes)		440
4. Reparation		441

Introduction

This document is based on the Final Declaration of the International Conference for the Protection of War Victims, the report prepared by the ICRC for that Conference and the note sent to States at the beginning of March 1994 by the Swiss Government, concerning the meeting of the group of experts.

The present paper does not take up all the points referred to in the Swiss Government's note, but defines more precisely, for certain of them, issues that the experts might look into more closely.

At the beginning of each section reference is made to relevant passages of the ICRC's report to the 1993 Conference, the Final Declaration of the Conference and the document drawn up by the Swiss Government.

Finally, in view of the number of questions that merit examination and the complexity of some of them, an order of priorities will have to be set for the work of the group of experts.

1. Universal accession to instruments of international humanitarian law

References:

- Report on the Protection of War Victims, *International Review of the Red Cross*, No. 296, September-October 1993, pp. 405-406;
- Final Declaration of the Conference, Part II, para. 4;
- Note of the Swiss Government, Part I.

The universality of international humanitarian law is a major factor for proper implementation of its provisions. Indeed, the fact that belligerents may not all be bound by the same conventions gives rise to confusion and weakens humanitarian standards.

Provisions that place limits on methods and means of combat, in particular, if not universally accepted are barely observed at all, because States preparing for military operations are hesitant to relinquish a particular means of waging war if they are convinced that their potential enemies have this same means and are ready to use it.

Numerous resolutions have been passed in international fora urging States to become party to the instruments of international humanitarian law.

For example, in resolution 47/30 the United Nations General Assembly appealed to “*all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties also to the Additional Protocols at the earliest possible date*” (para. 3).

Similarly, in resolution 47/56 relating to the Convention on prohibitions or restrictions on the use of certain conventional weapons, the General Assembly urged “*all States that have not yet done so to exert their best endeavours to become parties to the Convention and the Protocols annexed thereto as early as possible, as well as successor States to take appropriate action so as ultimately to obtain universality of adherence*” (para. 3).

Furthermore, resolution 48/30 on the United Nations Decade of International Law took note with appreciation of the Final Declaration of the International Conference for the Protection of the Victims of War “*as an important means for reaffirming, strengthening and promoting international humanitarian law*” (para. 4).

Finally, in the Vienna Declaration and Programme of Action adopted on 25 June 1993, the second World Conference on Human Rights appealed to “*States which have not yet done so to accede to the Geneva Conventions of 12 August 1949 and the Protocols thereto, and to take all appropriate national measures, including legislative ones, for their full implementation*” (Part E, para. 93).

It should be noted, however, that these resolutions have had relatively little effect.

Suggested questions

- a) *What can be done to ensure that effective action is taken at national level to follow up resolutions adopted by international or regional bodies that encourage States to ratify or accede to the international humanitarian law treaties?*
- b) *How can States be encouraged to accept the binding competence of the International Fact-Finding Commission (Article 90 of 1977 Protocol I)?*
- c) *What can be done to raise awareness on the part of States of the 1980 Convention on conventional weapons and to persuade them to ratify or accede to this treaty?*

2. Prevention of violations of international humanitarian law

The International Conference for the Protection of War Victims stressed the preventive effort that must be made to avert situations in which humanitarian standards are flouted.

In this regard, before looking into preventive measures which could be taken within the framework of international humanitarian law to prevent violations during armed conflicts, it must be remembered that the States have also, and perhaps first and foremost, a responsibility to seek measures designed to prevent conflicts themselves. The complementary nature of these two types of measures must, furthermore, be stressed.

2.1 Implementation of international humanitarian law

References:

- Report on the Protection of War Victims, pp. 407-408;
- Final Declaration, Part II, para. 5;
- Note of the Swiss Government, Part II, Section 4, para. a (aa).

To be effective, international humanitarian law must be accompanied by national implementation measures. For States whose national language or languages are not those in which the treaties were adopted, obviously one of the first steps to be taken is to have them translated.

The incorporation of international humanitarian law in national law, moreover, is all the more important since many of its provisions depend on internal law for their application. This is notably the case for the rules designed to protect the Red Cross or Red Crescent emblem and, more generally, all the provisions for the repression of violations of international humanitarian law.

Finally, the drawing up of documents drafted in simple language to familiarize the local population, the armed forces and all other groups concerned with international humanitarian law is an essential complementary measure.

2.1.1 Setting up of national interministerial committees

The setting up of national interministerial committees is an essential measure for implementation of international humanitarian law, considering the obvious implications of implementation, if seriously undertaken,

for areas affecting a number of ministries (Defence, Education, Justice, etc.).

Such committees generally begin by making an assessment of existing legislation and other national measures in relation to the obligations of implementation created by international humanitarian law. In areas where shortcomings are noted, they can make practical proposals to the authorities. To be really effective, the role of the committees must also include coordination of the measures adopted and monitoring of their execution.

Suggested questions

- *How can the setting-up of interministerial committees be promoted?*
- *What mandate should such committees ideally be given?*

2.1.2 International cooperation

References:

- Report on the Protection of War Victims, p. 410-411;
- Note of the Swiss Government, Part. II, Section 4, para. a (bb-ee).

The exchange of information, experience and documents among States can facilitate the taking of national implementation measures. This cooperation is particularly useful at regional level and among States whose legislative systems and cultural traditions are similar. Regional seminars organized by the ICRC have enabled national officials to exchange views on the best ways of organizing this task and the pitfalls to be avoided.

This cooperation can be reinforced if States communicate all relevant information on national measures to a central body, which may then be consulted and will supply the data needed. Resolution V of the 25th International Conference of the Red Cross, which met in Geneva in 1986, asked the ICRC to play this role. The ICRC subsequently confirmed its willingness to do so on a number of occasions. In particular, on 28 January 1991 it sent to States and National Red Cross and Red Crescent Societies a document entitled "*Proposals aimed at helping States adopt national measures to implement international humanitarian law. ICRC's Compilation*".

It should, moreover, be recalled that the Geneva Conventions and Protocol I additional thereto require States to communicate the official translations of these treaties, and the laws and rules of application they adopt to ensure their application, through the government of the depositary State, Switzerland.

Suggested questions

- *Can the consultative services of the ICRC be strengthened to assist States in the implementation of international humanitarian law?*
- *Should cooperation with other similar services be developed?*
- *Should the sending of national reports be placed on a systematic basis, and should precise instructions be issued for the drafting of these reports?*
- *What body should be responsible for examining such reports?*
- *Could the role of the depositary State be developed?*
- *Could a group of governmental experts — or an international body — play a supportive, advisory role in this area?*

2.1.3 Dissemination of international humanitarian law

References:

- Report on the Protection of War Victims, pp. 408-412;
- Final Declaration, Part. II, Sections 1-2;
- Note of the Swiss Government, Part II, Section 4, para. b.

In signing the Geneva Conventions and their Additional Protocols, the States undertook to make these instruments known as widely as possible and to include study of their provisions in military and, if possible, civil instruction programmes.

Bearing this in mind, three matters call for particular consideration:

- coordination of the efforts undertaken to spread knowledge of international humanitarian law and of teaching and dissemination activities conducted with a view to preventing conflicts;
- instructions to armed forces;
- the role of the media.

Without neglecting the other points referred to in the Swiss Government's note, the group of experts might usefully continue to reflect on these three themes, with due respect, as regards the third one, for the independence of the media.

2.1.3.1 Coordination of efforts

The principles of international humanitarian law can be taught to children at a very young age. Moreover, the increased involvement of the

young in conflicts and disturbances makes it even more important to teach these principles as soon as schooling begins, and to return to them in increasing detail throughout the years of education, including, of course, university education.

In this regard the coordination of endeavours on the international level is desirable: indeed, resolution 47/128 of the UN General Assembly encourages coordination of the efforts of the UN and the ICRC.

At the regional level, particular mention should be made of the resolution passed in December 1993 by the African Commission on Human and Peoples' Rights which highlights the importance of giving instruction in international humanitarian law and human rights to military and police forces, and stresses the importance of coordinating the efforts of the Commission, the ICRC and the other institutions concerned.

Suggested questions

- *How can the principles of international humanitarian law be incorporated in national education programmes?*
- *What support do governments expect in this area from international bodies such as the UN Centre for Human Rights, UNESCO or the ICRC?*
- *What type of cooperation with national bodies, in particular the National Red Cross and Red Crescent Societies, can governments envisage?*
- *How can regional cooperation be developed in this area?*

2.1.3.2 Instruction to the armed forces

The Conference on the Protection of War Victims underlined the primordial importance of instructing the armed forces in international humanitarian law.

In view of the diversity of combatants engaged in hostilities today, new means must be sought to promote the teaching of humanitarian rules to all who bear arms, whether they form part of conventional armed forces or not.

The engagement of armed forces in situations of internal disturbances not covered by international humanitarian law, and the need to train police

forces in such situations, call for an approach to instruction appropriate to these particular circumstances.

The more active role being assumed by UN contingents, moreover, means that these forces too have to receive instruction in international humanitarian law.

In conclusion, particular attention should be given to harmonizing the efforts made at international level.

Suggested questions

- *How can instruction in international humanitarian law be made systematic and be permanently incorporated in training programmes for the armed forces?*
- *How can international cooperation with regard to the instruction of armed forces in international humanitarian law be developed and better harmonization of international efforts be achieved?*
- *What can be done to ensure that troops engaged in UN operations receive adequate training in international humanitarian law?*

2.1.3.3 Role of the media

The independence of the media precludes an exhaustive examination in a meeting of intergovernmental experts of the role it plays, both in peacetime and in situations of conflict, in spreading knowledge of humanitarian values or, conversely, in denigrating those values.

It seems however that an examination of certain questions with the experts is warranted, particularly in view of the use made of the media by political leaders in time of war, and the possibilities thus offered them to make their countries' population aware of the values of international humanitarian law and to encourage it to respect those values.

Suggested questions

- *In peacetime and in time of conflict, what can be done to facilitate media campaigns to enhance knowledge of international humanitarian law and how can respect for its values be encouraged?*
- *How can cooperation with official press services be established in order to communicate messages relating to international humanitarian law?*

3. Respect for international humanitarian law and repression of violations

3.1 Clarification of international humanitarian law

References:

- Report on the Protection of War Victims, pp. 413-424;
- Final Declaration, Part I, Section 4; Part II, Sections 8, 9, 10 and 12.

The mandate of the group of intergovernmental experts is not to look into the development of international humanitarian law. Nevertheless, certain work in progress will probably afford clarifications that should facilitate improved compliance with the existing law. It would therefore be useful to give an outline of this work.

3.1.1 Humanitarian rules applicable to the conduct of hostilities

The process of reviewing the 1980 UN Convention on prohibitions or restrictions on the use of certain conventional weapons has begun. It involves reflection on weapons which are prohibited or the use of which is limited by one of the Convention's three existing Protocols, and on the possibility of adding one or more new protocols, as authorized by the Convention. The conclusions reached at expert meetings organized by the ICRC on mines and blinding weapons will be examined within this framework.

It is still no less necessary to promote the 1980 Convention, which will be effective only if States adhere to it on a large scale.

As regards the Convention itself, some wish to see its field of application extended to non-international armed conflicts. Indeed, it seems absurd that a State should countenance using against its own population means of warfare that it would not consider using against an external enemy. Harmonization of the rules governing the conduct of hostilities for all armed conflicts, however, is a more general problem.

Suggested questions

- *How can the rules governing the conduct of hostilities be harmonized for all types of armed conflict?*
- *Could cooperation be established in this regard among the military, particularly in terms of drawing up military manuals?*

3.1.2 Environment and war

The protection of the environment during armed conflict remains an extremely topical issue. It has been the subject of three meetings of experts organized by the ICRC. These meetings concluded that the existing rules, if they were universally and scrupulously respected, should suffice to bring about a very significant reduction in the damage inflicted on the environment in times of armed conflict. The proceedings of the latest two meetings were included in a report submitted by the UN Secretary-General to the 48th session of the General Assembly. Resolution 48/30 invited States to communicate their observations and comments on this report to the ICRC. The latter declared that it was prepared to pursue the question and, in particular, to review the draft it had prepared on the basis of the experts' work, with a view to incorporating in military manuals, in plain language, the rules relating to protection of the environment that are explicitly or implicitly contained in international humanitarian law. These clarifications are essential, but it seems premature to put questions on this matter to the group of intergovernmental experts; it is possible, nevertheless, that this could be done at a later date, depending on the observations and comments communicated to the ICRC by the States.

3.1.3 War at sea

The Falkland/Malvinas conflict revealed certain shortcomings in international humanitarian law applicable to war at sea. A review of this law was undertaken under the auspices of the International Institute of Humanitarian Law in San Remo, in cooperation with the ICRC. This study should be completed in 1994.

Examination of the question whether practical or legislative measures will have to be envisaged and, if so, what procedure should be followed will be based on the report summarizing this study. The report could be examined in 1995 within the framework of the International Conference of the Red Cross and Red Crescent or of the UN General Assembly. There is no need, therefore, for this question to be broached at this stage by the group of intergovernmental experts.

3.1.4 Right of victims of armed conflicts to receive protection and assistance

The difficulties encountered in reaching the victims of armed conflicts, and especially in bringing aid to populations lacking the basic means of survival, have given rise to intense reflection within the international community.

Two matters are at the heart of this reflection.

- The refusal of certain governments or other parties in conflict to allow free passage of essential goods intended for the population of the adverse party, or even for their own population, has given fresh impetus to the debate on the concept of intervention on humanitarian grounds.
- The rise in the number of cases in which personnel working under the protection of the Red Cross or the Red Crescent emblem, UN staff and that of non-governmental organizations engaged in emergency aid operations are not respected — whether they are attacked by members of armed forces or armed groups or whether they are victims of banditry — has obliged the organizations involved to increase their concern about the safety of their personnel.

The UN has undertaken a study on the safety of its personnel, further to a decision taken by the General Assembly (resolution 48/37 of 9 December 1993).

The difficulties of access associated mainly with the two matters referred to above have also prompted practical measures, such as military protection for personnel engaged in emergency aid operations, the setting-up of militarily protected zones or corridors, and the imposition of blockades.

Although understandable in certain circumstances, these measures have often had adverse repercussions on the populations concerned and might in some cases have made it difficult to maintain a certain scope for humanitarian action independent of any political considerations. Thus, should such measures become generalized and systematic, the very meaning of international humanitarian law could be called into question.

Here mention must be made of the special role entrusted to the ICRC to ensure implementation of international humanitarian law and the significance of the results the institution has obtained over time by its approach based primarily on persuasion and negotiation with the parties in conflict.

Suggested questions

- *How can greater respect for the Red Cross and Red Crescent emblems be secured?*

- *What can be done to increase support for the ICRC in the discharge of its mandate?*
- *What can be done to ensure better protection for the personnel of non-governmental organizations engaged in emergency aid operations?*
- *How can the coercive measures adopted for humanitarian purposes be reconciled with the maintenance of the dynamics and scope of action of international humanitarian law?*

3.2 Joint responsibility of States party to the Geneva Conventions to “ensure respect” for international humanitarian law by parties to conflict

References:

- Report on the Protection of War Victims, pp. 424-433;
- Final Declaration, Part II, Section 11;
- Note of the Swiss Government, Part III.

The obligation to “ensure respect” for international humanitarian law is legally binding. It may imply cooperation in regard to preventive measures that have to be adopted in peacetime, but is usually evoked to remind every High Contracting Party that it is obliged to take measures vis-à-vis any other High Contracting Party which fails to comply with international humanitarian law, so as to restore an attitude of respect for the law. This obligation engages third-party States, i.e., States that are not party to an international or non-international armed conflict.

However, it seems necessary on the one hand to specify the content of that obligation, and on the other hand to examine the framework in which it can best be enforced in the event of grave violations of international humanitarian law.

3.2.1 Content of the obligation to ensure respect for international humanitarian law

Under the terms of Article 1 common to the four Geneva Conventions and Protocol I additional thereto, States party to those treaties undertake to respect and ensure respect for them in all circumstances. Article 1, however, as an integral part of international humanitarian law, does not itself afford any indication as to the measures which might be taken to enforce its provisions.

In identifying such measures one should be guided primarily by a principle, i.e. their legitimacy in international law, and by a concern for effectiveness, that is, the likelihood that they would actually improve the lot of the victims.

Suggested question

- *Is it possible to draw up a list of the measures that a State party to the Geneva Conventions can adopt in order to “ensure respect” for international humanitarian law in a situation of armed conflict in which that State is not directly involved?*

3.2.2 Cooperation of States party to the Geneva Conventions in the event of grave violations of international humanitarian law

3.2.2.1 Cooperation within the UN

Article 89 of Protocol I of 1977 provides that, in situations of grave violations of the Conventions or of the Protocol, the High Contracting Parties undertake to act, jointly or individually, in cooperation with the United Nations and in conformity with the United Nations Charter. The ways and means of implementing such cooperation have not, however, been defined.

In fact, problems associated with respect for international humanitarian law are often raised at the UN General Assembly, which also offers an ideal opportunity for bilateral contacts concerning humanitarian issues.

Faced with conflicts in which violations of international humanitarian law are becoming one of the major dimensions of crises that constitute a threat to international peace and security, on a number of occasions in the past few years the Security Council has also decided to take measures provided for in the UN Charter, in particular Chapter VII, such as blockades or the dispatch of armed forces. In these cases such measures are examined from the wider angle of the restoration of peace.

Moreover, the good offices of the Secretary-General, as well as the publication of his reports, have facilitated the adoption of practical measures for the implementation of international humanitarian law.

Finally, the Commission on Human Rights, particularly when examining the work of the Special Rapporteurs, has often looked into the way in which parties to conflict apply international humanitarian law.

3.2.2.2 *Cooperation outside the UN framework*

The cooperation of States in ensuring respect for international humanitarian law is not limited to the UN framework. It can also be useful in terms of preventive action, as has been noted above, for which bilateral cooperation or regional organizations offer very favourable possibilities.

These structures are also valuable in certain circumstances for coordinating the approach of States in the event of grave violations of international humanitarian law.

In addition, the possibility should be mentioned of States party to Protocol I of 1977 requesting a meeting of the parties to the Protocol, in order to study the general problems relating to the application of the Geneva Conventions and Protocol I.

Finally, at International Conferences of the Red Cross and the Red Crescent, which bring together, as a rule every four years, the States party to the Geneva Conventions and the various components of the International Red Cross and Red Crescent Movement, problems of compliance with international humanitarian law are discussed and resolutions are passed on the subject.

3.2.2.3 *Possibility of setting up new structured multilateral fora*

We have seen above that the problems associated with respect for international humanitarian law can be dealt with in a number of fora.

The difficulty of holding the 26th International Conference of the Red Cross and Red Crescent in due time warranted the convening by the Swiss Government, at the request of the ICRC, of the International Conference for the Protection of War Victims, which met on 30 August-1 September 1993.

Ad hoc conferences on problems concerning respect for international humanitarian law and arising from precise and particularly sensitive situations can also be envisaged.

Suggested questions

- *How can the best possible use be made of existing fora to examine problems associated with failure to comply with international humanitarian law?*

- *What, in particular, would be the best way to prepare for International Conferences of the Red Cross and Red Crescent and to achieve greater involvement of the governments of States party to the Geneva Conventions in their preparation and in the follow-up to their resolutions?*
- *Should other international fora be envisaged and, if so, how frequently should they take place and in what framework, and what should be their objectives and the procedures for organizing them?*

3.3 Repression of grave breaches of international humanitarian law (war crimes)

References:

- Report on the Protection of War Victims, pp. 433-437;
- Final Declaration, Part II, Section 7;
- Note of the Swiss Government, Part III, Section 3.

Responsibility for punishing those who commit grave breaches of international humanitarian law lies first and foremost with governments in regard to their own population, and in particular members of their armed forces. We have drawn attention to the importance of adopting national laws on this subject in peacetime (point 2.1 above).

At the international level, the establishment of an international tribunal for the prosecution of persons suspected of being responsible for grave violations of international humanitarian law committed on the territory of the former Yugoslavia since 1991 (see UN Security Council resolution 808, adopted on 22 February 1993), and the examination of a draft Code of crimes against the peace and security of mankind and of a draft statute for an international criminal tribunal (UN General Assembly resolution 48/31 of 9 December 1993), create a new impetus for fulfilment of the obligation incumbent on each State party to the Geneva Conventions to punish or extradite any war criminal on its territory.

The preventive role that the creation of such tribunals can play cannot be underestimated, as long as they meet the challenges facing them (stringency, consistency, independence, cooperation of States, etc.).

Suggested questions

- *How can the obligation to arrest and punish or to extradite those suspected of committing war crimes be made effective?*

- *How would the obligations created by international humanitarian law mesh with those which might arise from a permanent international criminal tribunal?*

4. Reparation

References:

- Report on the Protection of War Victims, pp. 437-439;
- Final Declaration, Part II, Section 7;
- Note of the Swiss Government, Part III, Section 4 b (ff).

Although the principle of reparation is reaffirmed in international humanitarian law by Article 91 of Protocol I of 1977, its application has proved very uncertain. Practice has shown that cases in which an arrangement is reached between belligerent parties are generally settled after the armed conflict is over, according to terms imposed by the victor. At this stage considerations associated with *jus ad bellum* apply, and not the humanitarian exigencies of *jus in bello*. Moreover, requests that the State responsible make reparation are submitted through the intermediary of the State of origin of the injured persons (individuals or bodies corporate).

The ambiguous nature of many current conflicts and the frequent lack of a clear passage from war to peace, moreover, make the problem a particularly difficult one.

The question of reparation for damage resulting from acts contrary to international humanitarian law is, however, a very topical issue, owing in particular to the work of the International Law Commission and the reports of the Special Rapporteur of the Sub-Commission on prevention of discrimination and protection of minorities on questions relating to “right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms”.

Suggested question

- *What practical means should be employed to enable the victims of violations of international humanitarian law to obtain the reparation to which they are entitled?*

Follow-up to the International Conference for the Protection of War Victims

MEETING OF LEGAL ADVISERS OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

(Geneva, 12-13 September 1994)

Introduction

Wishing to associate the National Societies and the International Federation of Red Cross and Red Crescent Societies with the follow-up to the International Conference for the Protection of War Victims (August-September 1993) and with preparations for the meeting of the Intergovernmental Group of Experts to be held in January 1995, the ICRC convened a consultative meeting in Geneva on 12 and 13 September 1994 to which legal advisers and experts in humanitarian law from several National Societies and from the Federation were invited. This meeting was also in line with Resolution 2 of the October 1993 Council of Delegates, which urgently requested "the National Societies, the ICRC and the Federation to do everything possible, through their own action and by mobilizing governments, to ensure that the Final Declaration of the International Conference for the Protection of War Victims is followed up by tangible steps which lead to a substantial improvement in the situation of the victims..."

The National Societies of Bangladesh, Belgium, Bulgaria, Chile, Denmark, France, Germany, Iraq, Lebanon, Libya, Malaysia, the Netherlands, the Republic of Korea, South Africa, Sweden, the United Kingdom, the United States of America and Yemen, the Magen David Adom and the "Palestinian Red Crescent", the Federation and the ICRC were represented at the meeting. The Swiss Federal Department of Foreign

Affairs (DFAE) was also represented by a senior specialist in public international law.

The meeting, presided over by Mr Yves Sandoz, ICRC Director for Principles, Law and Relations with the Movement, addressed issues raised in a DFAE document summarizing the responses received by the depositary State from governments to a list of measures designed to promote respect for international humanitarian law (IHL) and relating to the universal applicability of IHL instruments, compliance with IHL and repression of violations.

Points raised during the discussions

A. Applicability of instruments of international humanitarian law

The delegates recognized that, although failure to become party to the instruments of IHL was in the case of some States due to political considerations, especially where Protocol I was concerned, it could often be attributed to the heavy workload of government departments or mere oversight on the part of the authorities concerned. These authorities had played and continued to play a vital role. Efforts to promote acceptance of the treaties of humanitarian law must be kept up and the ICRC was counting on the support of the National Societies in that regard.

Would it then be advisable to set minimum standards, as advocated by some? Such a course entailed the risk of weakening positive law, since those minimum standards might be regarded as maximum by others. The concept of minimum standards should nevertheless be retained for the purposes of dissemination of humanitarian law, which had to be “translated” into simple terms.

What was of primary importance was the full implementation of existing law. In that connection, it was considered vital to link promotion of accession to the humanitarian treaties with the practical measures required for their implementation. Attention was also drawn to the possibility of convening a meeting of the High Contracting Parties to consider general problems concerning the application of the Conventions and of Protocol I, in accordance with Article 7 of the said Protocol.

The participants generally recognized that the Movement was duty bound to contribute to the promotion of the instruments of humanitarian law, in the broad sense of the term, including the 1954 Hague Convention

for the Protection of Cultural Property in the Event of Armed Conflict and the 1980 United Nations Conference on Prohibitions or Restrictions on the Use of Certain Conventional Weapons. In this connection too, the National Societies could play a key role with respect to their own authorities.

B. Prevention of violations of international humanitarian law

The primary duty of National Societies to develop dissemination programmes was stressed. The meeting gave the participants an opportunity to describe their dissemination activities in detail. Some of them underlined the importance of interministerial commissions on IHL at the national level and the value of appointing legal advisers to the armed forces. The effectiveness of National Societies in this sphere depended, however, on their image and the influence they enjoyed in their respective countries thanks to their humanitarian and social activities. Hence the importance to be attached to the development of National Societies.

The delegates also considered proposals for setting up advisory services to support States in their efforts to implement and disseminate IHL and for establishing a system of reporting by States on national measures taken to that end. Some practical suggestions on the subject put forward by the Belgian Red Cross were well received. Although reservations were expressed as to the desirability of creating new bodies, the participants were unanimous in recognizing the importance of stepping up the ICRC's current efforts in that regard and of involving the National Societies as closely as possible.

The delegates also expressed the hope that at the meeting of the group of experts in January 1995 the special relationship between the Movement and IHL law would be reaffirmed and clarified.

C. Compliance with international humanitarian law and repression of violations

What should be the response in the event of large-scale violations of international humanitarian law? The importance of this question was recognized, as was the difficulty of finding an answer. The participants pointed out in particular that it could be an extremely sensitive matter for a National Society to intervene in case of violations by its own government. The political implications of such problems could not be disre-

garded. Hence the need for the Movement to alert the international community without, however, being in a position to propose specific solutions, especially if they involved the use of force. There too the advisability of setting up new bodies seemed doubtful, but it was felt that ways of making better use of existing institutions - and indeed the issue as a whole - merited examination by the Intergovernmental Group of Experts at its meeting in January 1995.

It was agreed that another meeting of legal advisers from National Societies would be convened by the ICRC in spring 1995 so as to prepare a united response on the part of the Movement to the proposals made by the Intergovernmental Group of Experts.

Preparing the meeting of the intergovernmental group of experts for the protection of war victims

(Geneva, 23-27 January 1995)

PREPARATORY MEETING

(Geneva, 26-28 September 1994)

In accordance with the Final Declaration of the International Conference for the Protection of War Victims (August-September 1993), the Swiss Confederation will convene a meeting of governmental experts from 23 to 27 January 1995 for the purpose of drawing up a report on specific measures designed to promote compliance with and respect for international humanitarian law. The report will be submitted to the 26th International Conference of the Red Cross and Red Crescent, which will decide on the action to be taken to implement its recommendations.

In preparation for this meeting, representatives of 60 States gathered in Geneva from 26 to 28 September at the invitation of the Swiss Government. An ICRC delegation, led by Mr Yves Sandoz, Director for Principles, Law and Relations with the Movement, and one from the International Federation of Red Cross and Red Crescent Societies also took part in the proceedings.

The September meeting was chaired by Ambassador Lucius Caflisch, legal adviser at the Swiss Federal Department of Foreign Affairs, while Ambassador Philippe Kirsch, Director General of the Bureau of Legal Affairs of the Canadian Department of External Affairs and International Trade, chaired the drafting committee.

The meeting's principal objective was to draw up a list of questions and suggestions for the governmental experts to consider in detail at their January meeting. The participants were also asked to establish an order of priority for the items on the list and to identify the main trends and themes that had emerged.

Discussions at the meeting focused on a text prepared by the Swiss Federal Department of Foreign Affairs on the basis of the work of the 1993 Conference, the comments made by a number of States concerning

the Swiss Government's note of March 1994 (see p. 414), and the ICRC's report of April 1994 containing its own suggestions.

At the end of the proceedings the delegates adopted without vote a text containing a series of recommendations for the January meeting of governmental experts. These are set out below.

As the ICRC delegation pointed out at the close of the gathering, this meeting demonstrated that, although the proposals considered most important by the ICRC were included in the recommendations, States must now be more resolute in taking practical and realistic measures to strengthen protection for the victims of war.

RECOMMENDATION ADOPTED BY THE PREPARATORY MEETING

In the Declaration it adopted on 1 September 1993, the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, reaffirmed, inter alia, the necessity of making the implementation of international humanitarian law more effective.

The Conference accordingly requested the Swiss Government to convene an open-ended intergovernmental group of experts to study practical means of promoting full respect for and compliance with that law, and to prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent.

Pursuant to that request, the Swiss Government will bring together an open-ended intergovernmental group of experts, which will meet in Geneva from 23 to 27 January 1995.

In preparation for this meeting, the Swiss Government invited a number of government experts to hold discussions in Geneva from 26 to 28 September 1994. As a result of the discussions, the experts recommend that the open-ended intergovernmental group should address the points and suggestions set out in the Annex hereto as a basis of discussion.

ANNEX

The Preparatory meeting recommends that the experts:

- Explore ways and means of facilitating States' accession to IHL instruments, notably the 1949 Geneva Conventions and their Additional Protocols, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols, and the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, taking into consideration the services that, in particular, the ICRC, the National Red Cross and Red Crescent Societies and their Federation and the National Committees referred to below may be able to provide in that regard;
- Consider, in this context, ways and means of facilitating States' recognition of the competence of the International Humanitarian Fact-Finding Commission according to Article 90 of Additional Protocol I;
- Examine ways and means of clarifying the role of customary rules of IHL in the areas of international and non-international armed conflicts;
- Study ways and means whereby bodies dealing with IHL, such as the ICRC, the National Red Cross and Red Crescent Societies and their Federation, may, possibly with the assistance of academic institutions, provide advisory services to States in their efforts to implement IHL and disseminate its rules and principles;
- Examine ways and means of improving dissemination of IHL, putting particular emphasis on the education of students of all ages and increasing media awareness, as well as on the training of armed forces, and the preparation of handbooks on the law of armed conflicts in an effort to harmonize, to the extent possible, the manner in which IHL is disseminated and implemented in different States;
- Explore ways and means whereby governments may benefit from the creation of national committees to advise on and assist in national implementation and dissemination measures;
- Examine ways and means whereby States could report to an international body dealing with IHL, such as the ICRC or the International Conference of the Red Cross and Red Crescent, on their efforts to implement IHL and to disseminate its rules and principles;
- Examine ways and means whereby the international community could react in the face of violations of IHL, as well as the possibilities of improving cooperation between States and the United Nations or other international fora and bodies in order to ensure respect for IHL;

- Explore practical ways and means of dealing with specific violations of IHL and discussing general problems of the application of IHL, e.g., by strengthening the role of the International Conference of the Red Cross and Red Crescent and by making better use of the forum provided for in Article 7 of Protocol I Additional to the 1949 Geneva Conventions;
 - Consider recommending to the ICRC
 - (a) the analysis of measures which could ensure, *inter alia*,
 - universal respect for IHL, particularly as it relates to civilians who are more and more often the victims of the use of means and methods of war consisting of systematic and large-scale killings by any armed groups, as well as of other violations of IHL in any armed conflict,
 - full protection for women and for children from violations of IHL,
 - full protection of the rights of refugees from violations of IHL, including the 1951 Convention relating to the status of refugees;
 - (b) an examination of situations where State structures have disintegrated as a result of non-international armed conflicts.
-

Universal acceptance of international humanitarian law

PROMOTIONAL ACTIVITIES OF THE ICRC

by Hans-Peter Gasser

In its Final Declaration of 1 September 1993, the International Conference for the Protection of War Victims *inter alia* urged all States to make every effort to:

"Consider or reconsider, in order to enhance the universal character of international humanitarian law, becoming party or confirming their succession, where appropriate, to the relevant treaties concluded since the adoption of the 1949 Geneva Conventions, in particular:

- *the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (Protocol I);*
- *the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977 (Protocol II);*
- *the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols;*
- *The 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict".¹*

The present article describes what the ICRC is doing to encourage all States to become party to the principal treaties of international humanitarian law.

¹ Part II, para. 4, of the Final Declaration of the International Conference for the Protection of War Victims, published in the *International Review of the Red Cross*, No. 296, September-October 1993, pp. 377-381.

Promotion of the humanitarian conventions is already one of the tasks assigned to the ICRC by the Statutes of the International Red Cross and Red Crescent Movement.² The ICRC is therefore doubly concerned by the appeal for the universal acceptance of international humanitarian law launched by the Conference for the Protection of War Victims.

A survey of the status of acceptance of the humanitarian conventions

At the time of writing (30 September 1994), the status of acceptance of the major treaties of international humanitarian law was as follows:³

— 1949 Geneva Conventions for the protection of war victims	185 States
— 1977 Protocols additional to the Geneva Conventions	
— Protocol I (international armed conflicts)	135 States
— Protocol II (non-international armed conflicts)	125 States
— Declaration under Article 90 of Protocol I	41 States
— 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons	41 States
— 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict	84 States

Here are a few comments to illustrate this table:

a) The 1949 Geneva Conventions

With 185 States party to them, the 1949 Geneva Conventions have attained almost complete universality. Following the dissolution of the Soviet Union, the secessions from the former Yugoslavia and the creation of two States in the territory of the former Czech and Slovak Federal Republic, the States which thus gained or regained independence very quickly settled their position with regard to the four Geneva Conventions, either by declaration of succession or by accession. Only Lithuania has

² Statutes of the International Red Cross and Red Crescent Movement, Article 5, para. 2 g).

³ See the table in the *Annex*. New ratifications and accessions are reported regularly in the *Review*. See also the ICRC's *Annual Report*.

not yet taken this step, but the relevant procedure has been started at the national level. The Vilnius government had previously informed the Swiss Federal Council — the depositary of the Geneva Conventions — that Lithuania considered itself to be bound by the two Geneva Conventions of 1929, by virtue of their ratification on 27 February 1939.⁴

It is interesting to note the form in which the new republics of Central and Eastern Europe and Central Asia have chosen to express their desire to become party to the Geneva Conventions:

Declaration of succession: Bosnia-Herzegovina, Croatia, Czech Republic, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Slovakia, Slovenia, Tajikistan, Turkmenistan.

Accession: Armenia, Azerbaijan, Estonia, Georgia, Latvia, Republic of Moldova, Uzbekistan.

Even before 1989 Belarus (under the name of Byelorussia) and the Ukraine were fully accredited parties to the 1949 Conventions and to the other treaties listed above. This situation was due to the fiction of their independent existence at the international level, a fiction also manifested by their signature of the United Nations Charter. Moreover, from the legal point of view the Russian Federation considers itself to be identical with the former Soviet Union, and in the opinion of the Russian authorities this makes it unnecessary to submit any formal notification with regard to international humanitarian law commitments.

In Africa, a new State has just emerged by way of secession, namely Eritrea, formerly a province of Ethiopia. The ICRC is in touch with the Eritrean government, which has announced its intention to accede to the 1949 Conventions in due course.

In addition to the States referred to above, three member States of the United Nations are not party to the Conventions — the Marshall Islands, the Federated States of Micronesia, and Nauru.

Possible withdrawal of reservations to the 1949 Conventions

Neither the Geneva Conventions nor their Additional Protocols contain specific provisions on the right to enter reservations when ratifying or acceding to these treaties. Accordingly, under the general rules on this

⁴ Note from the Minister of Foreign Affairs of Lithuania, dated 10 October 1990.

subject, a reservation to one of their provisions is permissible provided that it is not incompatible with the object and purpose of the treaty. A distinction must be made between a reservation and a declaration of interpretation, which is intended to clarify the meaning of a provision of the treaty without amending it.

Although a decision to become party to a particular treaty is sometimes possible in practice only when accompanied by a declaration of interpretation or a reservation, it seems reasonable today to question whether all the reservations made to the 1949 Conventions are still justifiable in the present circumstances. The ICRC intends to pursue its informal contacts with the States concerned, in an attempt to see that existing reservations to these Conventions are withdrawn wherever possible.

To sum up, it may be said that today the 1949 Conventions are binding on practically all States. The ICRC continues to follow closely the cases of States not yet bound by these treaties and will take the appropriate steps as soon as a new State emerges. It will also go on working for the withdrawal of reservations to these Conventions.

b) The Additional Protocols of 1977

At the present time, 135 States are party to Protocol I and 125 to Protocol II;⁵ two-thirds of the total number of States have thus accepted these treaties. This gives them a considerable degree of universality which is particularly gratifying in view of the innovations introduced by the Protocols in a number of areas and the fierce controversies to which some of the proposed solutions have given rise, even after their adoption. In this connection, it is interesting to note that the new States of Europe and Central Asia became party to the two Protocols at the same time as the Geneva Conventions (except for Azerbaijan, which acceded to the Conventions only).

Despite their present level of acceptance, the Additional Protocols have not yet attained the universality they deserve. However, several governments are currently considering becoming party to them in the near future. The Cabinet of the United Kingdom, for instance, decided on 22 October 1993 to ratify the two Protocols, and their ratification will take place as soon as the national laws and other regulations required for their implementation have been formulated and adopted by Parliament. The US authorities have likewise decided to reconsider their attitude towards Protocol I. The President of the United States had previously proposed

⁵ See *Annex* p. 458.

that the Senate approve ratification of Protocol II alone, and reject Protocol I.⁶ The Gulf War of 1991 has opened the way for such reconsideration.

On the strength of its experience in the various conflicts troubling the world, the ICRC is convinced of the realistic and valuable part played by the two Protocols in protecting the victims of war, be it international or non-international; it is therefore continuing its representations to States which are not yet party to them, concentrating its efforts first and foremost on the main States which have not yet taken a decision on either instrument, and will then approach States which have ratified only one Protocol, inviting them to reconsider their positions in relation to the instrument they have not yet ratified. In most cases, this is Protocol II on non-international armed conflicts.

In so doing, the ICRC continues to go through all the usual channels of communication with governments: oral or written approaches by the President of the ICRC or headquarters staff, similar approaches by operational or regional delegations, missions by the legal adviser specially appointed for this purpose, etc. As always, close contact is maintained with the National Red Cross and Red Crescent Societies, which are in a unique position to influence the authorities of their respective countries.

At the multilateral level the United Nations General Assembly, through its Sixth Committee, has already devoted various debates to the promotion of the Additional Protocols, most recently in 1992.⁷ The General Assembly will no doubt have a similar item on the agenda of its 49th session in the autumn of 1994, which will provide another opportunity to remind States which have not yet done so to ratify the two Protocols or to accede to them. Similarly, note should be taken of the programme of action approved by the General Assembly in connection with the United Nations Decade of International Law, which includes an appeal for the ratification of instruments of humanitarian law.⁸ Moreover, the main regional governmental organizations have invited their member

⁶ See: "Agora — The U.S. Decision not to Ratify Protocol I to the Geneva Conventions on the Protection of War Victims", *American Journal of International Law*, 81 (1987), pp. 910-925; also 82 (1988), pp. 784-786, and 83 (1989), pp. 345-347.

⁷ Resolution 47/30 of 25 November 1992: "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

⁸ Resolution 48/30 of 9 December 1993: "United Nations Decade of International Law".

States, some of them repeatedly, to ratify the 1977 Protocols.⁹ Certain international non-governmental organizations¹⁰ have also pledged their support for these instruments, and should be encouraged to pursue their efforts in this direction, in view of the close relations that they maintain with governments.

Even though some States have not yet formally adopted the new law of 1977, the Additional Protocols and especially their international rules for the conduct of hostilities carry full authority, even beyond the circle of the States party to them. The 1977 Protocols form part of the public international law in force in the international community.

c) Declaration under Article 90 of Protocol I: International Fact-Finding Commission

The purpose of the International Fact-Finding Commission (IFFC), set up under Article 90 of Protocol I, is to monitor more closely the implementation of international humanitarian law applicable in international armed conflicts. It is competent to enquire into any facts alleged to be a grave breach of the Conventions or of Protocol I and to "facilitate, through its good offices, the restoration of an attitude of respect for [that law]". Nevertheless, the procedure of verification by the IFFC can be set in motion only if the States concerned have recognized the Commission's competence by an express declaration to that effect at the time of ratification or accession, or later by an *ad hoc* declaration.

At the present time, only 41 of the 135 States party to Protocol I have declared that they recognize the competence of the IFFC "*ipso facto* and without special agreement".¹¹ This low acceptance rate is most unsatisfactory, since any measure liable to strengthen respect for commitments under international humanitarian law by the parties to an armed conflict represents a step forward and merits firm support. The ICRC will therefore intensify its promotional activities, first, by continuing to recommend to authorities which are considering ratification of Protocol I that they should also make the declaration provided for under Article 90, and second, by

⁹ See, for example, the resolution of the Council of Ministers of the Organization of African Unity (1994); resolution 991 (1992) on the activities of the International Committee of the Red Cross (1989-91), adopted by the Parliamentary Assembly of the Council of Europe; or the resolution of the General Assembly of the Organization of American States (1994).

¹⁰ See, for example, the resolution adopted by the 90th Interparliamentary Conference (1993), entitled "Respect for international humanitarian law and support for humanitarian action in armed conflicts".

¹¹ See *Annex* p. 458.

inviting States which are already party to Protocol I to accept the competence of the IFRC as well. Resolution 47/30 of the United Nations General Assembly¹² likewise calls upon Member States to make the said declaration under Article 90; the General Assembly should be encouraged to maintain and even increase its interest in this means of monitoring observance of humanitarian commitments, and even to strengthen its own commitment.

d) The 1980 Weapons Convention

At the present time, 41 States are party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which was adopted by the United Nations General Assembly on 10 October 1980.¹³ Most of these States are also bound by the three Protocols annexed thereto.¹⁴

The number of States party to the 1980 Weapons Convention is indeed disappointing, but greater government commitment to it seems likely in view of the interest that public opinion in some parts of the world is taking in the fate of victims of the indiscriminate use of anti-personnel mines.¹⁵ The forthcoming Review Conference will certainly provide an opportunity to promote acceptance of the Convention.¹⁶ The ICRC for its part will continue to include the 1980 Convention in its efforts to promote the instruments of international humanitarian law.

e) The 1954 Convention on Cultural Property

The Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954¹⁷ is binding on 84 States¹⁸ throughout the world. The armed conflict being waged in the territory of the former Yugoslavia has unquestionably aroused renewed public interest with regard to the preservation of monuments and other cultural objects in the event of war.

¹² See footnote 7.

¹³ See *Annex*.

¹⁴ Protocol I: on non-detectable fragments; Protocol II: on prohibitions or restrictions on the use of mines, booby-traps and other devices; Protocol III: on prohibitions or restrictions on the use of incendiary weapons.

¹⁵ On 12 May 1994, the President of the United States proposed to the Senate that it ratify the Convention and Protocols I and II thereto.

¹⁶ In this connection, see the ICRC Report of February 1994, in *IRRC* No. 299, March-April 1994, pp. 123 ff., especially pp. 130 ff.

¹⁷ Together with its Protocol of the same date.

¹⁸ See *Annex*.

In the past, the ICRC took no part either in promoting the 1954 Convention or in strengthening respect for it, but in view of the obvious link between the protection of civilian property in general and that of cultural property against the effects of military operations,¹⁹ the ICRC is considering together with UNESCO what it could usefully do to help the 1954 Convention to achieve due universal acceptance.

The importance of sustained efforts

This brief article has once again underscored the importance of sustained efforts to bring about the acceptance by all States of the humanitarian conventions which, in one way or another, protect the human person in the event of armed conflict. The ICRC will continue its endeavours to ensure that all these conventions attain the universality they deserve.

It should be borne in mind, however, that side by side with the written rules of the international law of treaties, there exists a whole edifice of unwritten rules — the general principles of law, customary rules and what is known as State practice. The influence of this body of rules on the conduct of States must not be underestimated, especially in armed conflict situations. Treaty-based law and unwritten rules together form an impressive set of international obligations to protect the victims of war. Now we must see to it that they are respected.

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¹⁹ See also Article 53 of Protocol I, entitled "Protection of cultural objects and of places of worship".

STATES PARTY TO THE MOST IMPORTANT INTERNATIONAL HUMANITARIAN LAW TREATIES

States party on 30.09.1994	Geneva Conv. 1949	The Hague Conv. 1954	Geneva Prot. I 1977	Geneva Prot. II 1977	Declar. Prot. I Art. 90	Weapons Conv. 1980
AFGHANISTAN	1956					
ALBANIA	1957	1960	1993	1993		
ALGERIA	1960		1989	1989	1989	
ANDORRA	1993					
ANGOLA	1984		1984			
ANTIGUA AND BARBUDA	1986		1986	1986		
ARGENTINA	1956	1989	1986	1986		
ARMENIA	1993	1993	1993	1993		
AUSTRALIA	1958	1984	1991	1991	1992	1983
AUSTRIA	1953	1964	1982	1982	1982	1983
AZERBAIJAN	1993	1992				
BAHAMAS	1975		1980	1980		
BAHRAIN	1971		1986	1986		
BANGLADESH	1972		1980	1980		
BARBADOS	1968		1990	1990		
BELARUS	1954	1957	1989	1989	1989	1982
BELGIUM	1952	1960	1986	1986	1987	
BELIZE	1984		1984	1984		
BENIN	1961		1986	1986		1989
BHUTAN	1991					
BOLIVIA	1976		1983	1983	1992	
BOSNIA-HERZEGOVINA	1992	1993	1992	1992	1992	1993
BOTSWANA	1968		1979	1979		
BRAZIL	1957	1958	1992	1992	1993	
BRUNEI	1991		1991	1991		
BULGARIA	1954	1956	1989	1989	1994	1982
BURKINA FASO	1961	1969	1987	1987		
BURUNDI	1971		1993	1993		
CAMBODIA	1958	1962				
CAMEROON	1963	1961	1984	1984		
CANADA	1965		1990	1990	1990	

STATES PARTY TO THE MOST IMPORTANT IHL TREATIES

States party on 30.09.1994	Geneva Conv. 1949	The Hague Conv. 1954	Geneva Prot. I 1977	Geneva Prot. II 1977	Declar. Prot. I Art. 90	Weapons Conv. 1980
CAPE VERDE	1984					
CENTRAL AFRICAN REPUBLIC	1966		1984	1984		
CHAD	1970					
CHILE	1950		1991	1991	1991	
CHINA	1956		1983	1983		1982
COLOMBIA	1961		1993			
COMOROS	1985		1985	1985		
CONGO	1967		1983	1983		
COSTA RICA	1969		1983	1983		
COTE D'IVOIRE	1961	1980	1989	1989		
CROATIA	1992	1992	1992	1992	1992	1993
CUBA	1954	1957	1982			1987
CYPRUS	1962	1964	1979			1988
CZECH REPUBLIC	1993	1993	1993	1993		1982
DENMARK	1951		1982	1982	1982	1982
DJIBOUTI	1978		1991	1991		
DOMINICA	1981					
DOMINICAN REPUBLIC	1958	1960	1994	1994		
ECUADOR	1954	1956	1979	1979		1982
EGYPT	1952	1955	1992	1992		
EL SALVADOR	1953		1978	1978		
EQUATORIAL GUINEA	1986		1986	1986		
ESTONIA	1993		1993	1993		
ETHIOPIA	1969		1994	1994		
FIJI	1971					
FINLAND	1955		1980	1980	1980	1982
FRANCE	1951	1957		1984		1988
GABON	1965	1961	1980	1980		
GAMBIA	1966		1989	1989		
GEORGIA	1993	1992	1993	1993		
GERMANY	1954	1967	1991	1991	1991	1992
GHANA	1958	1960	1978	1978		
GREECE	1956	1981	1989	1993		1992
GRENADA	1981					
GUATEMALA	1952	1985	1987	1987		1983
GUINEA	1984	1960	1984	1984	1993	

INTERNATIONAL REVIEW OF THE RED CROSS

States party on 30.09.1994	Geneva Conv. 1949	The Hague Conv. 1954	Geneva Prot. I 1977	Geneva Prot. II 1977	Declar. Prot. I Art. 90	Weapons Conv. 1980
GUINEA-BISSAU	1974		1986	1986		
GUYANA	1968		1988	1988		
HAITI	1957					
HOLY SEE	1951	1958	1985	1985		
HONDURAS	1965					
HUNGARY	1954	1956	1989	1989	1991	1982
ICELAND	1965		1987	1987	1987	
INDIA	1950	1958				1984
INDONESIA	1958	1967				
IRAN	1957	1959				
IRAQ	1956	1967				
IRELAND	1962					
ISRAEL	1951	1957				
ITALY	1951	1958	1986	1986	1986	
JAMAICA	1964		1986	1986		
JAPAN	1953					1982
JORDAN	1951	1957	1979	1979		
KAZAKHSTAN	1992		1992	1992		
KENYA	1966					
KIRIBATI	1989					
KOREA (Dem. People's Rep.)	1957		1988			
KOREA (Rep.)	1966		1982	1982		
KUWAIT	1967	1969	1985	1985		
KYRGYZSTAN	1992		1992	1992		
LAO PEOPLE'S DEM. REP.	1956		1980	1980		1983
LATVIA	1991		1991	1991		1993
LEBANON	1951	1960				
LESOTHO	1968		1994	1994		
LIBERIA	1954		1988	1988		
LIBYAN ARAB JAMAHIRIYA	1956	1957	1978	1978		
LIECHTENSTEIN	1950	1960	1989	1989	1989	1989
LITHUANIA	*					
LUXEMBOURG	1953	1961	1989	1989	1993	

* State party to the 1929 Geneva Conventions.

STATES PARTY TO THE MOST IMPORTANT IHL TREATIES

States party on 30.09.1994	Geneva Conv. 1949	The Hague Conv. 1954	Geneva Prot. I 1977	Geneva Prot. II 1977	Declar. Prot. I Art. 90	Weapons Conv. 1980
MADAGASCAR	1963	1961	1992	1992	1993	
MALAWI	1968		1991	1991		
MALAYSIA	1962	1960				
MALDIVES	1991		1991	1991		
MALI	1965	1961	1989	1989		
MALTA	1968		1989	1989	1989	
MAURITANIA	1962		1980	1980		
MAURITIUS	1970		1982	1982		
MEXICO	1952	1956	1983			1982
MOLDOVA	1993		1993	1993		
MONACO	1950	1957				
MONGOLIA	1958	1964				1982
MOROCCO	1956	1968				
MOZAMBIQUE	1983		1983			
MYANMAR	1992	1956				
NAMIBIA	1991		1994	1994	1994	
NEPAL	1964					
NETHERLANDS	1954	1958	1987	1987	1987	1987
NEW ZEALAND	1959		1988	1988	1988	1993
NICARAGUA	1953	1959				
NIGER	1964	1976	1979	1979		1992
NIGERIA	1961	1961	1988	1988		
NORWAY	1951	1961	1981	1981	1981	1983
OMAN	1974	1977	1984	1984		
PAKISTAN	1951	1959				1985
PANAMA	1956	1962				
PAPUA NEW GUINEA	1976					
PARAGUAY	1961		1990	1990		
PERU	1956	1989	1989	1989		
PHILIPPINES	1952			1986		
POLAND	1954	1956	1991	1991	1992	1983
PORTUGAL	1961		1992	1992	1994	
QATAR	1975	1973	1988		1991	
ROMANIA	1954	1958	1990	1990		
RUSSIAN FEDERATION	1954	1957	1989	1989	1989	1982
RWANDA	1964		1984	1984		
SAINT KITTS & NEVIS	1986		1986	1986		

INTERNATIONAL REVIEW OF THE RED CROSS

States party on 30.09.1994	Geneva Conv. 1949	The Hague Conv. 1954	Geneva Prot. I 1977	Geneva Prot. II 1977	Declar. Prot. I Art. 90	Weapons Conv. 1980
SAINT LUCIA	1981		1982	1982		
SAINT VINCENT & GRENADINES	1981		1983	1983		
SAMOA	1984		1984	1984		
SAN MARINO	1953	1956	1994	1994		
SAO TOME AND PRINCIPE	1976					
SAUDI ARABIA	1963	1971	1987			
SENEGAL	1963	1987	1985	1985		
SEYCHELLES	1984		1984	1984	1992	
SIERRA LEONE	1965		1986	1986		
SINGAPORE	1973					
SLOVAK REPUBLIC	1993	1993	1993	1993		1982
SLOVENIA	1992	1992	1992	1992	1992	1992
SOLOMON (ISLANDS)	1981		1988	1988		
SOMALIA	1962					
SOUTH AFRICA	1952					
SPAIN	1952	1960	1989	1989	1989	1993
SRI LANKA	1959					
SUDAN	1957	1970				
SURINAME	1976		1985	1985		
SWAZILAND	1973					
SWEDEN	1953	1985	1979	1979	1979	1982
SWITZERLAND	1950	1962	1982	1982	1982	1982
SYRIAN ARAB REP.	1953	1958	1983			
TAJIKISTAN	1993	1992	1993	1993		
TANZANIA	1962	1971	1983	1983		
THAILAND	1954	1958				
THE FOR. YUG. REP. OF MACEDONIA	1993		1993	1993	1993	
TOGO	1962		1984	1984	1991	
TONGA	1978					
TRINIDAD & TOBAGO	1963					
TUNISIA	1957	1981	1979	1979		1987
TURKEY	1954	1965				
TURKMENISTAN	1992		1992	1992		
TUVALU	1981					
UGANDA	1964		1991	1991		

STATES PARTY TO THE MOST IMPORTANT IHL TREATIES

States party on 30.09.1994	Geneva Conv. 1949	The Hague Conv. 1954	Geneva Prot. I 1977	Geneva Prot. II 1977	Declar. Prot. I Art. 90	Weapons Conv. 1980
UKRAINE	1954	1957	1990	1990	1990	1982
UNITED ARAB EMIRATES	1972		1983	1983	1992	
UNITED KINGDOM	1957					
UNITED STATES	1955					
URUGUAY	1969		1985	1985	1990	
UZBEKISTAN	1993		1993	1993		
VANUATU	1982		1985	1985		
VENEZUELA	1956					
VIET NAM	1957		1981			
YEMEN	1970	1970	1990	1990		
YUGOSLAVIA	1950	1956	1979	1979		1983
ZAIRE	1961	1961	1982			
ZAMBIA	1966					
ZIMBABWE	1983		1992	1992		

Note:

- On 21 June 1989, the Swiss Federal Department of Foreign Affairs received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing the Swiss Federal Council "that the Executive Committee of the Palestine Liberation Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989, to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto".

On 13 September 1989, the Swiss Federal Council informed the States that it was not in a position to decide whether the letter constituted an instrument of accession, "due to the uncertainty within the international community as to the existence or non-existence of a State of Palestine".

IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW NATIONAL MEASURES

*Information received by the International Committee
of the Red Cross on
implementation measures taken by
the States at the national level*

The importance of adopting national measures to implement international humanitarian law has been stressed on many occasions. It was repeated in the Final Declaration of the International Conference for the Protection of War Victims (Geneva, 30 August-1 September 1993), which reaffirmed the obligation laid down in Article 1 common to the four Geneva Conventions to respect and ensure respect for international humanitarian law in order to protect the victims of war. The Declaration urged all States to make every effort to “*adopt and implement, at the national level, all appropriate regulations, laws and measures to ensure respect for international humanitarian law applicable in the event of armed conflict and to punish violations thereof*”.¹ The Conference thus reasserted the need to bring about more effective compliance with that law.

Concerned by the inadequacy of domestic laws and other national implementation measures, the international community had in the past frequently encouraged the ICRC to take action.

Though it had already approached the States in this regard, the ICRC made a series of written representations to impress upon them the importance of passing laws and issuing regulations to ensure full implemen-

¹ International Conference for the Protection of War Victims (Geneva, 30 August - 1 September 1993), Final Declaration; Report on the Protection of War Victims, drawn up by the International Committee of the Red Cross and published in the *International Review of the Red Cross*, September-October 1993 (No. 296), p. 379.

tation of international humanitarian law.² It sent questionnaires to the States party to the 1949 Geneva Conventions in order to ascertain what steps they had taken or intended to take at the national level to ensure compliance with the law in times of armed conflict.³

All the information that the ICRC received by 30 April 1991 on the relevant domestic laws and regulations adopted by the States was compiled and published in *Replies received from States to the ICRC's written representations concerning national measures to implement international humanitarian law*.⁴

The following data — listed by country in alphabetical order — were received after 30 April 1991 and thus complete the survey. They are an inventory of laws, regulations and other practical measures, such as the establishment of interministerial committees.

Argentina

Interministerial Committee

Decree No. 933/94 of 16 June 1994 established the *Comisión de aplicación del derecho internacional humanitario* (Committee for the Application of International Humanitarian Law), composed of representatives of the Ministries of Defence, the Interior, Foreign Relations, Justice and Trade. This Committee has been entrusted with the mandate to propose laws and regulations aimed at ensuring compliance with humanitarian law. It is also responsible for shaping and coordinating activities to promote knowledge of international humanitarian law among various target groups.

² These steps were a follow-up to Resolution V of the 25th International Conference of the Red Cross (Geneva, 1986). The resolution, entitled *National measures to implement international humanitarian law*, reminded the States of their obligation to adopt or supplement the relevant national legislation. It also called on governments and National Red Cross and Red Crescent Societies to give the ICRC their full support and the information it required to monitor progress in this area.

³ The action taken by the ICRC in pursuance of Resolution V of the 25th International Conference of the Red Cross was published under the title *National measures to implement international humanitarian law — Resolution V of the 25th International Conference of the Red Cross* (Geneva, 1986) — *Written representations by the International Committee of the Red Cross*, International Committee of the Red Cross, Geneva, October 1991.

⁴ This compilation was annexed to the document entitled *Implementation of international humanitarian law — National measures*, which was drawn up by the ICRC for the 26th International Conference of the Red Cross and Red Crescent, to have been held in Budapest in November-December 1991 (Doc. C.I/4.1/1, Geneva, 1991).

Belgium

Repression of breaches

Loi relative à la répression des infractions graves aux Conventions internationales de Genève du 12 août 1949 et aux Protocoles I et II du 8 juin 1977, additionnels à ces Conventions

(Law on the repression of grave breaches of the international Geneva Conventions of 12 August 1949 and Protocols I and II of 8 June 1977 additional to those Conventions)

Adopted on 16 June 1993, this law sets out the penalties for grave breaches of humanitarian treaties, which Additional Protocol I describes as “war crimes”. The law is applicable in the event of both international and non-international armed conflicts. It contains major innovations such as the outlawing of certain acts intended to facilitate violations, a declaration that no statutory limitation will apply to these crimes and the barring of any justification based on military necessity.

The law has four articles and was published, in French and Flemish, in the *Moniteur Belge* of 5 August 1993.

Bolivia

Interministerial Committee

The *Comisión nacional permanente para la aplicación del derecho internacional humanitario* (National Standing Committee for the application of international humanitarian law) was set up by Decree No. 23345, published in issue No. 1768 of the official gazette. The Committee is made up of representatives of the Ministries of Foreign Affairs, National Defence, the Interior, Justice, Education and Public Health, as well as representatives of the Supreme Court, the academia and the Bolivian Red Cross. The Committee’s task is to ensure the application of humanitarian law, to consider and prepare laws and other implementation measures aimed at filling gaps in national legislation and to submit the resulting proposals to the appropriate legislative and executive bodies.

Germany

Military manuals

Humanitarian law in armed conflicts — Manual

This manual was prepared by the Ministry of Defence and published in August 1992. It is the English-language version of the German military manual entitled *ZDv 15/2 Humanitäres Völkerrecht in bewaffneten Konflikten* and also published in August 1992. The English-language version was drawn up in close conjunction with government experts from 18 countries and representatives of the ICRC and the International Institute of Humanitarian Law in San Remo, Italy. As stated in the preface, the manual is intended for military and civilian personnel responsible for organizing courses, military exercises and other types of training.

A commentary on the German-language manual was published as *Handbuch des humanitären Völkerrechts in bewaffneten Konflikten* (Dieter Fleck, ed., Verlag C.H. Beck, Munich, 1994). An English-language version of the commentary is currently being prepared. It will be entitled *Handbook of humanitarian law in armed conflicts* and will be published by Oxford University Press.

Abridged editions of the military manual are planned in both German and English.

Netherlands

Military manual

Toepassend humanitair Oorlogsrecht (*Compliance with international humanitarian law*)

This military manual was drawn up for the army by the Ministry of Defence and published on 7 October 1993. It replaces the previous military manual and covers all the rules applicable to international and non-international armed conflicts.

Switzerland

Instructions to commanders

Principes régissant le droit des gens en temps de guerre à l'intention des commandants (*Principles governing the law of nations in time of war for commanders*)

Directive No. 51.7/IV f. to field commanders from the Swiss army's head of training was published on 12 December 1990 and deals with the principles governing the international law of war. This ten-page document, with 24 provisions and four annexes, sets out the fundamental principles of the law of armed conflicts.

Uruguay

Interministerial Committee

The *Comisión nacional de derecho humanitario* (National Committee for Humanitarian Law), set up under Decree No. 191/92 of 12 May 1992, is composed of representatives of the Ministries of Foreign Affairs, National Defence, the Interior, Public Health and Education, as well as representatives of the Supreme Court, the Law Faculty and the Uruguayan Red Cross. The Committee was given the task of considering and proposing national measures to implement international humanitarian law. It was instructed to present to the authorities within 90 days a report on practical steps that could be taken at the national level. On 24 November 1992, following the report, the Committee was entrusted with a permanent mandate by Decree No. 677/992. The work of the Committee has since led to the adoption of measures in the following areas.

Respect for the emblem

Decreto 677/992. Díctanse normas para el uso de los emblemas de la cruz roja y de la media luna roja, así como de los vocablos "Cruz Roja", "Cruz de Ginebra" y "Media Luna Roja".

(*Rules for the use of the red cross and red crescent emblems and the names "Red Cross", "Geneva Cross" and "Red Crescent"*)

This decree brings up to date Act 6.186 of 16 July 1918 on the use of the red cross emblem. It incorporates relevant provisions from the 1949

Geneva Conventions and their Additional Protocols of 1977 and includes protection for the international distinctive sign of civil defence.

Dissemination

Decreto 678/992. Cométese la instrumentación de cursos, relativos al Derecho Internacional Humanitario, en coordinación con la Comisión Nacional de Derecho Humanitario

(Establishment of courses on international humanitarian law, in coordination with the National Committee for Humanitarian Law)

This decree made official the courses in humanitarian law given at the Ministries of National Defence and Foreign Affairs.

* * *

The information compiled above reflects only the replies that were sent to the ICRC as a result of its written representations. They are thus not exhaustive as other States may well also have taken national measures concerning international humanitarian law. The ICRC would therefore appreciate being kept informed of developments in this regard, as this will enable it both to keep others informed and to maintain a comprehensive view of the situation. The ICRC will then be in a better position to identify areas where it can do more to assist the States in meeting their obligations.

María Teresa Dutli
Member of the ICRC
Legal Division

International Committee of the Red Cross

NEW ICRC VICE-PRESIDENT

The Assembly of the International Committee of the Red Cross, at its meeting of 25 August 1994, elected Ambassador **Eric Roethlisberger** as new permanent ICRC Vice-President. He will take up his duties in the course of this autumn.

Mr Roethlisberger succeeds Mr Claudio Caratsch, who has held the office of Vice-President for four and a half years and did not seek re-election. The Assembly voiced its thanks to Mr Caratsch for his valuable services to the institution.

Mr Roethlisberger was born in 1934 and is a citizen of Geneva and Langnau i.E., Switzerland. He has a doctorate in political science from the Graduate Institute of International Studies in Geneva. Since 1964, Mr Roethlisberger has been in the service of the Swiss Confederation with diplomatic postings in Geneva, New York and Berne. From 1981 to 1988 he was Delegate of the Swiss Government for Trade Agreements, in which capacity he chaired the Industrial Development Board of the United Nations Industrial Development Organization (UNIDO) in Vienna in 1985. Since 1988 he has been Switzerland's Permanent Representative to the Organization for Economic Cooperation and Development (OECD) in Paris.

In the Red Cross and Red Crescent World

FLORENCE NIGHTINGALE

Her life (1820-1910)

Born in Florence, Italy, to well-to-do and learned English parents, Florence Nightingale was brought up in a religiously tolerant milieu and keenly aware of social injustice. Her father, to whom she was very close, raised her in a non-conformist manner which at the time was more appropriate for a boy than for a girl. From a very early age she was deeply concerned with the plight of the poor and felt a calling to become a nurse, though she knew full well that there was little formal training available and that she would have to gain practical experience for herself. So she began to read everything she could find, even statistical works. When her family travelled around Europe, she visited the hospitals of the great cities, observing and learning how to care for those who were both sick and poor. In Paris she trained with the Sisters of Charity and then went to Kaiserswerth, Germany, where she took a complete nursing course at the Institution of Protestant Deaconesses. After returning to England, in 1853 she was appointed superintendent of London's Hospital for Invalid Gentlewomen, which she reorganized. Her acceptance of this post brought about the final break with her family, which opposed her choice of activity. And Miss Nightingale herself was prey to doubts and inner turmoil arising from her conflicting desires to have a social and family life and yet devote herself to her ideal of humanitarian service. In the end, she rejected a prestigious marriage in order to follow her vocation.

But it was her work during the Crimean War (1854-1856) that made Florence Nightingale famous throughout Britain and later the entire world; indeed, she achieved legendary status during her own lifetime.

A pioneer of relief for wounded soldiers

The Crimean War, which pitted Britain, France and Turkey against Russia, took a very heavy toll owing to the use of new and more sophisticated firearms. It also revealed the total inefficacy of the British army's medical services, under

whose care the wounded soldiers died more often of disease caused by poor hygiene and sheer negligence than they did of the injuries they had received. The alarm was sounded by a correspondent for *The Times* who called for dedicated women to come and care for the wounded soldiers at the hospital in Scutari, an eastern suburb of Constantinople. Florence Nightingale's message to Under-Secretary of State Sidney Herbert, a friend of hers, expressing her willingness to go, crossed with his message to her asking her to do so. She arrived in Scutari in October 1854 with forty assistants — including several nuns — and powerful political backing. Besides appalling hospital conditions — filth, overcrowding, rats and shortages of food, clothing, surgeons, equipment and medicines — she also had to contend with the animosity of doctors who regarded her as an intruder. But her organizational skill, her enterprising spirit and her determination enabled her to make the hospital more efficient and to gain acceptance for her nurses in the treatment of the wounded, which had previously been the exclusive domain of military personnel. While devoting tremendous energy to her administrative tasks, she also worked day and night to care for the patients: she met them as they arrived in Scutari, she comforted them during the most harrowing operations, she brought solace to the dying. At night, when not writing to Sidney Herbert, who had meanwhile become Minister of War, to tell him how chaotic the conditions really were, she wrote letters for soldiers to their families and went from ward to ward, lamp in hand, to see what more could be done.¹ It is said the patients would kiss her shadow as she passed. Though inspired by general humanitarianism, her attitude towards the soldiers was also distinctly maternal. They called her “the Lady with the Lamp”, a name by which she became known throughout the world, and saw her as an angel of gentleness and selfless compassion. The prevailing view of her day was that a nurse was someone who had been disappointed in her affections or was simply incapable of doing anything else.² Yet Florence Nightingale began to change all that; she was a woman of action, action based on a genius for organization, strict discipline, hard work and an indomitable spirit. That is what made her a true heroine. She ushered in a new era of service to wounded soldiers who had previously been abandoned to their fate — more by tradition, their duty being to fight the enemy and not to stop and help wounded comrades, than out of inhumanity.³

¹ Montgomery, John, *Florence Nightingale*, Edito-Service, Geneva, 1970.

² Gordon, Richard, *The private life of Florence Nightingale*, Penguin Books, London, 1980, p. 61.

³ *Idem*, p. 156.

Legend and reality

If Florence Nightingale had died during the Crimean War — as she very nearly did from fever — her legendary reputation as the Lady with the Lamp would probably have been no different, for that image of her in Scutari is still what remains in the public mind. Yet for Miss Nightingale herself, the Crimean War was but an episode in her life, a stepping stone in her career.

Life truly began for her when she returned to England, though she did so in a state of exhaustion and suffering from depression brought on by her years in Turkey. Indeed, convinced that she was not physically able to rise from her bed, she declared herself an invalid and spent the rest of her life — over fifty years — living more or less as a recluse in her bedroom, surrounded by servants and secretaries. She invested her fame and her energy in furthering the causes dear to her: reforming the army's medical services, revolutionizing the concept and siting of hospitals, developing the field of preventive medicine and improving the status and training of nurses. She went to considerable lengths — including claims of her own imminent death — to enlist the aid of those whose support she needed. Famous people came to consult her. Some of her biographers have stated that, with the exception of Queen Victoria, Florence Nightingale was probably the best informed woman in the entire country. This was because she maintained close contact with people who were at the centre of the power structure but, above all, it was because she was a voracious reader. Using the knowledge and experience she had acquired in Scutari, she wrote a steady stream of letters, notes, memoranda and reports about the areas of interest to her. Her writings reflect great intelligence, common sense, a comprehensive approach to problems and astonishing vision. Florence Nightingale believed that to cure an illness it was not enough to apply a treatment; the patient should be placed in the best situation possible to allow nature its full healing potential. She therefore advocated instructing nurses, and indeed the entire population, in health care and hygiene. To be effective, she knew that hygienic measures had to be accompanied by proper sanitation and a reliable supply of clean water.

A forerunner of the Tracing Agency

As mentioned above, Miss Nightingale was not concerned only with the physical comfort of her patients; she also endeavoured to meet their cultural and emotional needs. In Scutari, she set up areas for reading and recreation and organized courses and lectures.

At night, when she was not working in the wards, she wrote letters for the patients to their families. If someone died, she had a form letter that she used to describe to a soldier's wife or mother his last hours, reassuring her that he

had thought of her and also that he had accepted his approaching death. Finally, she indicated the burial site. Likewise, she was often contacted by the wives of soldiers, who had not heard from their husbands for months. She always replied personally after doing her best to trace the individual concerned and making enquiries of the military authorities to ensure that no mistake had been made about the name. Miss Nightingale thus anticipated the work of the Central Tracing Agency, which itself dates back to 1870. The founders of the relief agency established at that time in Basel, Switzerland, soon realized how much the morale of the victims of the Franco-Prussian War was improved by being able to write to their families.

Florence Nightingale's influence on the founders of the Red Cross and on the Movement's work

At a lecture he gave in 1872 in London, Henry Dunant paid tribute to the work of Florence Nightingale. Both knew of the other's accomplishments but they never met, as Dunant did not take up her invitation to spend a few days in Claydon, where she was staying with her sister. Several years earlier Dunant had sent her a copy of his book *Un souvenir de Solferino* and Nightingale had made no secret of her disapproval. Though they admired each other, they differed as to what could best be done to come to the aid of war casualties. The founder of the Red Cross thought it best to act at the international level, setting up volunteer relief societies in every country in peacetime, the members of which would be ready to act in the event of war. Miss Nightingale objected to this idea and favoured the nationalist cause of reorganizing and reforming the administration of the British army. She felt that the relief societies proposed by Dunant would take on responsibilities that properly belonged to the government of each country, whereas the latter, thus freed of those charges, would be more likely to engage in new wars. Moreover, she did not believe that belligerent powers would respect the rules of international law, such as those laid down by the Geneva Convention. She was convinced that each nation had to face up to its own problems.

Despite their differences and the fact that his project eventually prevailed, Henry Dunant held "the Lady with the Lamp" in very high esteem. Following his visit to London, he wrote of her as a "noble lady who pioneered a new era of universal charity".⁴ Her dedication so impressed the Japanese during the Meiji

⁴ Lossier, Jean-George, "Hommage à Florence Nightingale", *Revue internationale de la Croix-Rouge*, No. 423, March 1954, p. 187.

period (1868-1911) that they deified her as a *kwannon*, Buddhist goddess of pity.⁵ One of the first tasks undertaken by the Japanese Red Cross when it was founded in 1890 was to train nurses and imbue them with Florence Nightingale's altruistic spirit.

It was her influence in improving the status and training of nurses — first in Britain then throughout the world — that enabled the National Red Cross and Red Crescent Societies to carry out their traditional task of caring for wounded and sick members of the armed forces. Her reference works on hygiene, health-care training and social welfare also enabled them, when the First World War ended, to develop peacetime applications for their activities.

Florence Nightingale's legacy endures and the lamp she lit in Scutari burns brighter than ever. In May 1993, the ICRC awarded the Florence Nightingale Medal to 35 nurses.⁶ This brings to 1,075 the total number of medals conferred since the first award on 12 May 1920, the hundredth anniversary of Florence Nightingale's birth.

Isabelle Raboud

*Principles, Law and
Relations with the Movement*

NOTE

The *Review* is happy to reproduce hereinafter (pp. 476) two photographs showing the award of the Florence Nightingale Medal in 1993.

The ICRC thanks all the National Societies which sent information and photographs concerning the award of the Florence Nightingale Medal in their respective countries. It regrets being unable to publish all the photographs for lack of space.

⁵ "Monuments élevés à la mémoire de Florence Nightingale", *Revue internationale de la Croix-Rouge*, No. 423, March 1954, p. 203.

⁶ See *International Review of the Red Cross*, No. 295, July-August 1993, pp. 312-317.



UNITED STATES OF AMERICA: President Clinton presenting the Florence Nightingale Medal to Dr. Claudia Adkins at a ceremony attended by senior officials of the American Red Cross.



PEOPLE'S REPUBLIC OF CHINA: Ms Li Guimei, Ms Zhang Jin Yu and Ms Zhang Shuihua, recipients of the Florence Nightingale Medal.

The Polish Red Cross: 75 years of activity

LANDMARKS IN THE SOCIETY'S HISTORY FROM 1919 TO THE PRESENT

As soon as Poland recovered its independence after more than 120 years of occupation, representatives of the humanitarian associations working in the three areas previously occupied by Russia, Germany and Austria respectively decided to found a Red Cross society in the newly liberated and unified State.

Between the two world wars

The first General Assembly, held on 27 April 1919, adopted statutes and appointed the Central Committee of the Polish Association of the Red Cross. In July of that year the International Committee of the Red Cross (ICRC) registered the new Association as the only Red Cross organization in Poland acting by virtue of the Geneva Conventions, and in August the Association was admitted to the League of Red Cross Societies, set up a few months before in May 1919.

Some of the very first tasks undertaken by the Association were to assist Polish soldiers and their families, to combat epidemics in the eastern territories and to set up a chain of disinfection points, public baths and dispensaries, with considerable support from the League of Red Cross Societies.

During the 1919-1921 uprisings in Silesia, the Association opened delegations in all the districts of Upper Silesia to provide whatever assistance was needed. An Information and Tracing Bureau was set up soon after the Association was born, in order to promote contacts with the ICRC and National Red Cross Societies on matters relating to prisoners of war and civilians separated from their families as a result of the hostilities.

In September 1920 the Association and the Soviet Red Cross concluded an agreement and appointed representatives in charge of exchanging information on civilian and military casualties.

The Polish Association of the Red Cross became the Polish Red Cross under a presidential decree dated 1 September 1927. It was recognized as a public service organization under the patronage of the Polish Head of State. The new statutes provided for the Society to be placed under the authority of the Minister for Military Affairs in the event of conflict.

Undaunted by a shortage of resources that made its task all the more difficult, the Polish Red Cross immediately became involved in social and medical activities, in particular a campaign to combat the typhus epidemic that had spread throughout the country. It also launched training programmes for nurses and first-aid workers and set up a network of health posts. A Polish Red Cross emergency centre with a blood transfusion unit was opened in Lodz in 1935. Poland's first blood transfusion and storage facility, supplied by a large number of donors, was set up the following year as part of the Red Cross hospital (see below).

On 29 January 1937 the Council of Ministers issued an order establishing compulsory training for first-aid teams. The recruitment, training and equipping of these teams was entrusted to the Polish Red Cross. Before the outbreak of the Second World War the Society had constituted large stocks of medical supplies and equipment. The supervisors of the officially recognized first-aid teams were assisted by nursing aides called the "Sisters of the Polish Red Cross" and by some 50,000 female health workers in rural areas. The Society also placed at the army's disposal a hospital staffed by highly skilled doctors and nurses, 200 health posts, an ambulance aircraft and a detachment of field nurses.

At that time the Society had 736,866 members and comprised 14 regional committees, over 350 district committees, 9,024 Red Cross circles and more than 1,300 medical establishments and social welfare institutions.

The occupation (1939-1945)

When the Second World War broke out on 1 September 1939, the Polish Red Cross was assigned a whole series of new tasks, the most important being to assist wounded and sick soldiers and civilian victims of air raids. The unexpected course taken by the hostilities and the rapid advance of German troops further aggravated the general state of confusion in the country. The Information and Tracing Bureau began compiling data on persons killed during the fighting. In the territories that had not yet been invaded the Polish Red Cross set up hundreds of health posts, dispensaries, supply points, canteens and night shelters for soldiers and civilians retreating towards the centre of the country.

On 7 September 1939 the Polish High Command ordered the evacuation of some of the central authorities of the Polish Red Cross in Warsaw. The former Treasurer-General, Wacław Lachert, became the acting chairman of the new

Central Committee, which remained in Warsaw until Poland capitulated at the end of September.

On 12 September the Minister of Military Affairs of the Polish Government in exile in Paris issued a decree establishing a Central Committee of the Red Cross attached to this new government. From that point on the ICRC maintained working relations with the Central Committee in Paris and subsequently in London.

In Poland, the Red Cross adjusted its structure to the circumstances imposed by the occupation of western Poland by the Reich and of the eastern part of the country by the USSR. In German-occupied territory, the Society conducted its activities in four districts instead of the former 14, i.e. in Kielce, Cracow, Lublin and Warsaw. The Central Committee's headquarters had been destroyed in a bombing raid along with archives containing the vital documents compiled by the Information and Tracing Bureau.

In October 1939 the ICRC appealed to all National Red Cross and Red Crescent Societies to come to the aid of Polish prisoners of war and civilians in occupied Poland. The response was generous, and large consignments of medicines and medical equipment arrived in December. The occupying German authorities ordered part of the supplies to be given to the hospitals, and the remainder was placed at the disposal of the Polish Red Cross.

In July 1940 the German authorities ordered the dissolution of all Polish associations except the Red Cross, whose activity was reduced strictly to tasks provided for under the Geneva Conventions. A statement by Governor-General Frank clearly shows the attitude of the German authorities towards this exclusively Polish organization: "For the Poles the National Red Cross represents a remnant of sovereignty, a symbol of their State. That is something we cannot tolerate".

Despite numerous forms of harassment, such as the blocking of bank accounts, the diverting of some Red Cross supplies, the dismantlement of collegiate authorities at district level, the control exercised by the German administration over correspondence with the ICRC and the League, and the appointment of a German representative to the Central Committee of the Polish Red Cross, the Society managed to continue running its hospitals, dispensaries, health posts, homes for the disabled and orphanages for children who had lost their parents in the war.

Millions of people who had lost contact with their families as a result of the hostilities turned to the Polish Red Cross for help. Tracing activities were entrusted to the Information and Tracing Bureau, whose staff rose from 3 to 100 — almost all of them volunteers. The Bureau's main tasks were to draw up lists of prisoners of war and people who had died or been killed, arrested, imprisoned, interned in concentration camps or assigned to forced labour.

In accordance with the 1929 Geneva Convention, the Polish Red Cross came to the aid of prisoners of war held in Germany by forwarding messages and sending relief parcels. However, thousands of prisoners of war held in the Soviet Union were unable to maintain contacts with their families.

With the ICRC's help, the Society was able to keep mailing services operating both inside Poland and with other countries. Insofar as its resources permitted it also assisted prisoners in concentration camps, though without any legal basis as there was no convention providing for the protection of civilians at the time. It did not succeed, however, in its repeated attempts to alleviate the plight of Poles deported to the USSR, despite the contacts it had established with the Soviet Alliance of Red Cross and Red Crescent Societies.

In April 1943, German troops discovered the graves of several thousand Polish officers who had been interned at Kozielsk camp and murdered in Katyn. From that moment on there was a radical change in the occupying authorities' attitude towards the Polish Red Cross. They tried to persuade the Society to join in their propaganda campaign against the USSR, the purpose being to establish who had perpetrated the massacre and the date on which it had been committed. Although threats were levelled against the President of the Polish Red Cross and the Society as a whole, the National Society did no more than send a team of experts to exhume and identify the bodies, considering this task as an obligation. The team worked in Katyn from April to early June 1943 and found a total of 4,143 bodies. Of these 2,805 were identified and the families duly informed.

On 1 August 1944 an uprising broke out in Warsaw. The following day the Germans set fire to the Polish Red Cross headquarters, destroying the Society's archives which contained the information compiled by the Tracing and Information Bureau on the Katyn massacre, lists of persons killed, arrested or deported, and a million identification cards — all irreplaceable documents of vital historical importance.

During the uprising the Polish Red Cross came to the aid of the insurgents and the civilian population. It set up several hospitals and hundreds of first-aid posts and food distribution points. Red Cross first-aid workers, many of whom unfortunately paid with their lives, constituted stocks of relief supplies, searched for missing persons, identified people killed during the fighting and drew up lists of casualties.

The Warsaw uprising lasted two months. A representative of the Polish Red Cross attended the negotiations that led to the surrender of the insurgents. This enabled the latter, whom the Germans considered as bandits, to acquire prisoner-of-war status before being deported to internment camps. The Polish Red Cross was also entrusted with the task of evacuating 5,000 patients from hospitals in the insurrection zone to medical facilities that had been set up for the purpose outside Warsaw.

The Red Cross authorities were forced to leave the Polish capital at the same time as the residents who had survived the fighting. This marked the end of one of the most tragic periods in the Society's history.

The post-war period

Warsaw was liberated in January 1945, and shortly afterwards the Central Committee returned to the city.

In July of that year a network of Red Cross posts was set up in the eastern territories liberated by the Soviet army and the Polish forces.

The Polish Red Cross, and its Tracing and Information Bureau in particular, was then faced with a range of extremely difficult tasks. It succeeded, however, in restoring contacts among members of tens of thousands of families separated during the war.

The posts set up by the Red Cross provided former prisoners of war and returnees with their very first shelter and meals on Polish territory. People who had lost everything in the war were given clothes and food parcels. By late 1945 the indexes of the Tracing and Information Bureau contained over one million registration and identification cards.

The facilities run by the Polish Red Cross included 30 hospitals, five sanatoriums, 24 maternal and child-care posts and 16 public baths and disinfection rooms. A vaccination campaign covering over one million people was carried out and Red Cross dispensaries and aid posts were set up in train stations.

The Polish Red Cross was able to conduct all these activities thanks to a vast operation of solidarity set up by the ICRC and the League. Several dozen National Societies, shocked by the appalling tragedy that had befallen the Polish people, came to their aid with medicines, food, kitchen utensils and other basic necessities.

The Polish Red Cross gave assistance not only to Polish citizens but also to foreigners who had fought with the Allied forces and had been interned in German camps in Poland or deported to forced labour camps on Polish soil.

All over Poland soldiers killed on the battlefield and civilians murdered in the course of the war had been buried wherever they fell. It was therefore decided to exhume the bodies and set up cemeteries to give them a decent burial. At the end of 1945 more than 17,000 bodies were exhumed in Warsaw and its surroundings alone.

A vast first-aid training campaign for the general public was then launched. As there was a shortage of qualified medical staff, the Polish Red Cross organized professional training for nurses and established emergency services and blood

transfusion posts. Health posts were set up in workplaces, schools and residential areas; medical and public health teams were formed to provide first aid, combat epidemics and deal with other disasters.

In late 1949 and early 1950, the Polish Red Cross handed over to the National Health Service 177 fully equipped emergency centres and 15 blood transfusion and storage posts.

The first National Congress of the Polish Red Cross was held at the beginning of 1951. New statutes were adopted and a plan of action was drawn up for the years to come. This meeting marked the beginning of coordinated Red Cross action in a country that had returned to relative stability.

The Congress defined assistance to the elderly, the sick and people living alone as the Society's primary responsibility. In 1962 the Polish Red Cross began constituting a network of health posts staffed by the qualified nursing aides called the "Sisters of the Red Cross" to provide care for sick people unable to leave their homes. In barely a few years, 1,660 posts run by over 23,000 aides provided home nursing for some 100,000 people who had suffered most from the atrocities committed during the war or who no longer had any family to look after them.

Among the many activities carried out in the 1950s and 1960s were a blood donation campaign launched in 1958 and a vast health education and training programme for first-aid workers and voluntary youth instructors. The Society also took an active part in efforts to reunite Poles of German origin with their families in the Federal Republic of Germany. In 1956 it joined in the campaign to repatriate Poles from the USSR by registering them on their return and trying to trace their families. That same year saw the outbreak of the Hungarian revolution. The Polish Red Cross sent medicines, blood and food supplies for the Hungarian people and gave shelter to about a hundred Hungarian children.

Over the next ten years, former prisoners who had been subjected to pseudo-medical experiments in Nazi concentration camps received financial compensation from the Federal Republic of Germany. This operation was launched at the initiative of the Polish Red Cross, with strong backing from the ICRC, and was almost entirely carried out by the National Society except for the final stage when the State took over. The operation covered 1,357 people, and the amount paid in reparation totalled 30,435,000 DM.

In 1964 the Polish Diet passed a new law setting out the duties of the National Society in time of both peace and war and the extent of its cooperation with the public authorities and other organizations, in compliance with the Fundamental Principles of the Red Cross and Red Crescent.

In March 1977, the Polish Red Cross and the ICRC jointly conducted the first seminar on the dissemination of international humanitarian law for senior

officials of European and North American National Societies. Over the next three years, similar seminars were run for Red Cross Youth leaders, university professors and doctors.

From 1980, the Polish Red Cross and the ICRC jointly organized annual summer courses on international humanitarian law, given in Warsaw by well-known experts from all over the world and bringing together about 40 students from Europe and North America.

The proclamation of martial law on 13 December 1981 took the Polish Red Cross by surprise, but it nevertheless gave priority to assisting internees and their families. Having secured the authorities' permission, its representatives began visiting internment centres in the days that followed and were soon joined by ICRC delegates, who arrived in Poland on 15 December.

In January 1982, a delegation of the ICRC and the League of Red Cross and Red Crescent Societies opened an office at the headquarters of the Society's Central Committee, and a task force was set up in Geneva to coordinate the dispatch of relief supplies to Poland under the League's leadership. Between December 1981 and July 1983, National Societies responded to the League's appeal for support by sending some 19,000 tonnes of relief goods, which were distributed to 1.5 million people in need.

During the same period ICRC and Polish Red Cross delegates visited internees in 79 detention centres all over the country, and representatives of the regional committees, or *voivodie*, made 170 visits to places of internment in their respective areas. More than 6,000 private interviews were held with the internees, and representations were made to the authorities to ensure that the internees received adequate medical care and enjoyed decent conditions of detention and treatment. They were given help with their personal affairs, their families received assistance and efforts were made to secure the internees' release. At the end of the mission both the ICRC and the League praised the work done by the Polish Red Cross in this sphere and presented it as a model Society on the international scene.

The year 1984 saw an influx of refugees transiting through Poland on their way to the West. The first to arrive were Palestinians, Libyans, Ethiopians and Somalis, followed by Romanians, Turks, Kurds, Iranians, Iraqis, Senegalese, Angolans and refugees from the Soviet Union. This was a new challenge for the Polish Red Cross, which between 1984 and 1988 provided assistance to some 320 people. The number of refugees rose sharply in 1989 with the arrival of people fleeing the German Democratic Republic. Working in close cooperation with the Embassy of the German Federal Republic and the German Red Cross, the Polish Red Cross gave the refugees shelter and food, and arranged for the transport of 2,800 people to West Germany. In March 1990 there was a sharp rise in arrivals when about 300 refugees were expelled from Sweden, including

many families with children. More than 800 refugees made their way to Poland in the course of that year.

Having itself enjoyed support from a number of sister Societies, the Polish Red Cross could not turn a blind eye to the suffering caused by natural disasters and political strife beyond its borders. It therefore conducted large-scale assistance operations for the people of Armenia, Lithuania, Romania and the Middle East, among others.

The Society's success in meeting so many challenges in so short a time was mainly due to its outstanding reputation among the Polish population, the dedication of its staff and volunteers, the assistance provided by the International Red Cross and substantial financial backing from the State.

Recent years

The year 1989 brought radical political, social and economic changes to Poland and then to other Central and Eastern European countries. The transition to a market economy led to the closing of numerous enterprises, a sharp rise in unemployment, the impoverishment of certain categories of the population and a lack of social security.

These developments had a major impact on the Polish Red Cross. The number of its members and committees, mainly in government enterprises, declined, as did the number of voluntary blood donors and consequently the volume of blood donated. Numerous health posts had to be closed down as a result of changes in the financing of social welfare, and the beneficiaries of Red Cross health services decreased as a result. Health promotion and training activities for adults were also considerably reduced.

In 1989 the Society's National Congress adjusted to the changing situation by defining a new strategy, granting autonomy to local sections, abandoning centralized financing and management and modifying programmes and structures. The state of the national economy was such that government subsidies for associations such as the Red Cross were cut to a minimum. The Society therefore had to seek new sources of funds.

An extraordinary session of the Congress, the Society's supreme governing body, was convened in 1991 to adopt new statutes and adapt Polish Red Cross structures to these new circumstances.

Meanwhile the affair of the Katyn massacre had resurfaced. Following developments in the USSR, more graves of Polish officers and policemen were discovered near Kharkov and Miednoie. When the bodies were exhumed in the presence of a representative of the Polish Red Cross, it was confirmed that the victims had been held in the Ostachkovo and Starobielsk camps.

At an extraordinary session held on 26 and 27 September 1992 the Polish Red Cross Congress took stock of the Society's past activities and adopted new statutes which were largely based on those in force during the period between the two world wars. It also elected new leaders and passed a resolution on programmes for the 1990s.

The Polish Red Cross currently comprises 49 Regional Committees or *voivodie*, 404 district committees, 16,192 Red Cross circles with over 978,400 members, and 17,613 clubs in kindergartens and primary schools attended by almost 600,000 children.

The Society's 185 health centres provide care for a population of nearly 40,000. Its first-aid posts, nursing homes and shelters assisted some 2,500 people in 1993. There are also 2,358 blood donation clubs with a membership of over 200,000 volunteers. Out of a total of 414,510 litres of blood donated free of charge in 1993, more than half was provided by these volunteer donors.

In 1993 almost 231,000 people received first-aid training in 9,164 courses organized by the Polish Red Cross, while five emergency teams, composed of 132 first-aid workers, stood ready to provide assistance to disaster victims. Health promotion activities were organized for 24,205 groups of participants, and 134 centres provided information and guidance on AIDS.

In its 55 warehouses the Polish Red Cross has sufficient stocks to meet the needs of some 10,000 disaster victims.

As part of its programme for the dissemination of international humanitarian law, the Society organized 5,081 lectures and courses, 130 seminars, 683 competitions, 889 exhibitions, 103 radio broadcasts and 236 television programmes throughout the country, in addition to the Warsaw summer courses on international humanitarian law mentioned above.

The archives of the Information and Tracing Bureau contain more than seven million registration cards and invaluable data on people who died during the Second World War. In 1993 alone the Bureau received over 60,000 tracing inquiries from people searching for lost relatives and requests for confirmation of detention, often in concentration, internment or forced labour camps. The Bureau processed more than 56,000 cases, issued 18,500 certificates and successfully resolved 500 cases concerning individuals whose families had lost all trace of them since the early days of the war. The Bureau is also continuing its efforts to trace the missing and to locate the gravesites of soldiers of all nationalities. In cooperation with the German Red Cross it is currently establishing cemeteries for German servicemen killed during the war.

The Polish Red Cross has three monthly publications, with a total circulation of 900,000: "*Zdrowie*" (Health), the Society's official bulletin, "*Jestem*" (I am) for adolescents, and "*Zygzak*" (Zigzag), a magazine for young children.

Polish Red Cross

RECOGNITION OF THE RED CROSS OF EQUATORIAL GUINEA

Geneva, 29 September 1994

Circular No. 579

*To the Central Committees of the
National Red Cross and Red Crescent Societies*

Ladies and Gentlemen,

We have the honour to inform you that the International Committee of the Red Cross has officially recognized the Red Cross of Equatorial Guinea. This recognition, which took effect on 28 September 1994, brings to **163** the number of National Societies that are members of the International Red Cross and Red Crescent Movement.

The new National Society applied for recognition by the ICRC on 10 January 1994. In support of its application it submitted various documents, including a report on its activities in 1993 and the text of its statutes. The Society had previously been recognized by Presidential Decree No. 98 of 16 October 1985, in accordance with the provisions of the Geneva Conventions, as the only Red Cross Society auxiliary to the public authorities and authorized to extend its activities throughout the territory.

The various documents submitted, which were examined by the ICRC and the International Federation of Red Cross and Red Crescent Societies within the Joint ICRC/Federation Commission for National Society Statutes, showed that the ten conditions for recognition of a new National Society by the International Committee had been fulfilled.

The Republic of Equatorial Guinea had deposited its instruments of accession to the four Geneva Conventions of 12 August 1949 with the Swiss Federal Council, the government of the depositary State, on 24 July 1986 and had thus become party to them on 24 January 1987. Equatorial Guinea has also acceded to the Additional Protocols of 1977.

During a visit to the Society, representatives of the ICRC and the Federation ascertained that the Society has a sound structure enabling it to work throughout the national territory. It is currently engaged in activities in several spheres: training first-aid workers and running first-aid posts, providing health education and recruiting blood donors. Its Red Cross Youth members help with protecting and restoring the environment.

The Society is presided over by Dr Elías-Manuel Maho Sicachá. Its headquarters is in Malabo. The address is as follows:

Red Cross of Equatorial Guinea
Calle Abilio Balboa 92
Malabo
Equatorial Guinea

The International Committee of the Red Cross has pleasure in welcoming the Red Cross of Equatorial Guinea to membership of the International Red Cross and Red Crescent Movement. It hereby accredits it and commends it to all other National Societies, and wishes it every success in continuing and developing its humanitarian work.

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

Cornelio Sommaruga
President

**INTERNATIONAL CONFERENCE FOR THE
PROTECTION OF WAR VICTIMS**

(Geneva, 30 August - 1 September 1993)

**FOLLOW-UP BY WORLDWIDE AND REGIONAL
INTERNATIONAL ORGANIZATIONS**

90th Inter-Parliamentary Conference — Canberra, Australia,
13-18 September 1993.

Sixtieth Ordinary Session of the Council of Ministers of the
Organization of African Unity — Tunis, Tunisia, 6-11 June 1994.

Twenty-fourth Regular Session of the General Assembly of the
Organization of American States — Belém, Brazil, 6-10 June
1994.

In order to add their voices to the appeal made on 1 September 1993 in the Final Declaration of the International Conference for the Protection of War Victims, two regional fora and one worldwide organization have adopted resolutions (see below) calling for respect for international humanitarian law.

- *The **Inter-Parliamentary Union**, an organization that brings together representatives of the legislatures of sovereign States, held its 90th Conference in September 1993 in Canberra, Australia. Its agenda contained an item entitled "Respect for international humanitarian law and support for humanitarian action in armed conflicts". At the end of its proceedings, the Conference adopted a resolution reaffirming that the fundamental principles and rules of international*

humanitarian law are universal, and calling on all States “to increase public awareness of and to promote respect for international humanitarian law through education and information programmes”.

Readers of the Review will be able to gauge for themselves the full bearing of this resolution, which recommends the setting-up of a “committee to follow the issue of respect for international humanitarian law, particularly the ratification status of the Conventions and Protocols, as well as the implementation of measures at the national level (...)”.

At its most recent Conference, held in Copenhagen on 12 to 17 September 1994, the IPU decided to set up an ad hoc committee to promote respect for international humanitarian law.

- *The Council of Ministers of the **Organization of African Unity**, a forum bringing together over 50 African States, held its Sixtieth Ordinary Session in Tunis from 6 to 11 June 1994. To meet the obligations undertaken in Geneva by all the States attending the 1993 International Conference, a resolution on “respect for international humanitarian law and support for humanitarian action in armed conflicts” was drafted and adopted by the organization.*

The resolution calls on all OAU member States which have not yet acceded to or ratified the instruments of international humanitarian law to do so. It also condemns the killings of staff members of humanitarian aid organizations and urges warring parties to ensure their safety.

- *The **Organization of American States**, meeting in June 1994, likewise voiced its concern to see international humanitarian law recognized and implemented as a single, universal body of rules. It did this in a resolution, the text of which follows. Readers will notice the OAS member States’ unequivocal condemnation of the production and sale of conventional weapons which are excessively injurious or have indiscriminate effects.*

The 90th Inter-Parliamentary Conference

Canberra, Australia, 13-18 September 1993

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW AND SUPPORT FOR HUMANITARIAN ACTION IN ARMED CONFLICTS

(Resolution adopted without a vote)

The 90th Inter-Parliamentary Conference,

Considering:

- (a) That the events taking place in the theatres of contemporary armed conflict are unacceptable and call for a vigorous reaction on the part of the international community, of which parliaments are one of the main emanations,
- (b) That the fundamental principles and rules of international humanitarian law constitute a set of values universally accepted by the international community,
- (c) That efforts to implement these principles and rules at the national level are insufficient,
- (d) That the fundamental rules of international humanitarian law are as yet unfamiliar to those who have to implement them,
- (e) That co-ordination and joint action and approaches by the various participants in international humanitarian aid have not yet made it possible to respond sufficiently rapidly and on the necessary scale for the immense needs engendered by armed conflicts,
- (f) That financial and human resources for the protection of the victims of armed conflicts are inadequate,

Deploing that the civilian population is frequently the principal victim of the hostility and violence of armed conflict,

Condemning in particular ethnic cleansing operations, genocide, military aggression against the territory of other States, barbaric military action against civilians, the destruction of their houses and property, the coercion used to force civilians to leave their towns and villages, all acts which certain States commit

or fail to prevent, in violation of the principles of international humanitarian law and all international covenants and practices,

Also condemning the renewed outbreak of systematic sexual violence against women and children which constitutes a grave violation of international humanitarian law,

Deploring that the methods and means used in internal armed conflict cause great suffering,

Recalling the link between action to prevent armed conflicts and action to ensure respect for humanitarian rules in conflicts, especially in the areas of disarmament and human rights,

Reaffirming its conviction that, by preserving a sphere of humanity in the very heart of armed conflict, international humanitarian law keeps open the path towards reconciliation and contributes not only to restoring peace among the belligerents but also to harmony among peoples,

Regretting that international humanitarian law has not yet become universal since at present one third of all States have not acceded to the 1977 Protocols additional to the Geneva Conventions, only 36 States have acceded to the 1980 Convention prohibiting or restricting the use of certain conventional weapons and only 82 States have acceded to the 1954 Convention for the Protection of Cultural Property,

Further regretting that the international relief and protection effort during armed conflicts — both within the framework of competent United Nations institutions and bodies and by the International Committee of the Red Cross (ICRC) and other international and regional humanitarian organizations — is encountering serious difficulties and dangers, including the refusal by one or more parties to a conflict to reach agreement with such organizations, the blockade of humanitarian action, attacks against humanitarian personnel, food supplies and relief, the refusal of parties to the conflict to transport food supplies to the victims or to allow the relief organizations access to prisoners of war and imprisoned civilians,

Deploring the lack of protection for peace-keepers and peace-makers under current humanitarian law,

Deploring the growing number of journalists and other media agents killed, wounded or abducted on the battlefield,

Welcoming the fact that the United Nations has recently reaffirmed the concept of humanitarian assistance, including relief for civilian populations and the idea of establishing security corridors to ensure the free access of this relief to the victims, in addition to protected zones created by decision of the United

Nations, failing any initiative by the parties to the conflict and placed under the responsibility of its civilian and military personnel and/or international humanitarian organizations,

Welcoming the adoption in Geneva on 1 September 1993 by the International Conference for the Protection of War Victims of a solemn declaration in which States reaffirm *inter alia* their determination to respect and enforce international humanitarian law,

Welcoming the decision unanimously adopted by the Security Council in May 1993 to establish a tribunal to try war criminals accused of having committed genocide, rape, torture and ethnic cleansing as well as other serious violations of international humanitarian law in the territory of former Yugoslavia,

Recalling the resolution adopted by the 76th Inter-Parliamentary Conference (Buenos Aires, October 1986) on the contribution of parliaments to the implementation and improvement of international humanitarian law in armed conflicts,

1. *Calls on* all States which have not yet adopted the following instruments to examine or review without delay the possibility of adopting them rapidly:
 - (a) The Additional Protocols relating to the protection of victims of international armed conflicts (I) and non-international armed conflicts (II), of 8 June 1977;
 - (b) The Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects, of 10 October 1980;
 - (c) The Convention for the Protection of Cultural Property in the event of Armed Conflict, of 14 May 1954;
 - (d) The United Nations Convention relating to the Status of Refugees, of 28 July 1951 and its Protocol, of 31 January 1967.
2. *Also calls on*:
 - (a) States which have adopted Additional Protocol I of 1977 to make the declaration referred to in Article 90 on the general competence of the International Fact-Finding Commission;
 - (b) Parliaments and governments to ensure the proper application of United Nations resolutions on humanitarian issues and to adopt measures at the national level to implement the rules of international humanitarian law, especially by including in their national legislation dissuasive sanctions to ensure that these rules are not violated and by examining the possibility of creating or reactivating interministerial committees or appointing an

office or delegate responsible for following and coordinating measures to be taken at the national level;

- (c) All States to increase public awareness of and to promote respect for international humanitarian law through education and information programmes;
- (d) Governments to promote awareness of international humanitarian law among the armed forces;
- (e) All States to remind military commanders that they are required to make their subordinates aware of obligations under international humanitarian law, to make every effort to ensure that no violations are committed and, where necessary, to punish or report any violations to the authorities;
- (f) The International Committee of the Red Cross to assist in preparing for a conference to re-examine the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons so as to study the problems of weapons which blind and mines which mutilate civilians;
- (g) All States to take the necessary steps to ensure that persons and property protected by international humanitarian law are marked and identified;
- (h) All States to make every effort to protect agents from belligerents as well as common criminals and ensure the immunity which should be guaranteed by the emblems of the Red Cross and Red Crescent;
- (i) All States to understand the meaning of humanitarian action so as to avoid hindering it, to ensure rapid and effective relief operations by guaranteeing safe access to the regions affected, to take the necessary measures to strengthen respect for the safety and integrity of humanitarian organizations;
- (j) All States to negotiate a separate body of humanitarian law dedicated to the effective protection of peace-keepers and peace-makers;
- (k) All States to ensure that journalists engaged in dangerous professional mission in areas of armed conflict benefit from the measures of protection set out in Article 79 of Additional Protocol I of the Geneva Conventions of 1949;
- (l) All States engaged in armed conflicts to use the services of the International Fact-Finding Commission to investigate any violation of international humanitarian law, including in internal armed conflicts;
- (m) All States to support all the work being carried out or envisaged to strengthen at the international level the means of punishing war crimes;

- (n) All States to review procedures on compensation for damages caused to victims of violations of international humanitarian law and the payment of indemnities so as to allow the victims to derive real benefit from the assistance to which they are entitled;
 - (o) All States to act in co-operation with the United Nations and in conformity with its Charter and in particular its basic principles relating to respect for human rights in all countries with a view to taking all appropriate measures to enforce international humanitarian law;
3. *Pays tribute* to the action of the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees (UNHCR) and other international relief organizations, *calls on* governments to increase their financial contributions to these organizations, and *commends* the staff of these organizations for their dedication and courage;
4. *Recommends* that the Inter-Parliamentary Council set up a committee to follow the issue of respect for international humanitarian law, particularly the ratification status of the Conventions and Protocols, as well as the implementation of measures at the national level; the committee would report to the Inter-Parliamentary Council at the latter's second session every year, starting in 1994.

Council of Ministers of the Organization of African Unity

(Tunis, 6-11 June 1994)

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW AND SUPPORT FOR HUMANITARIAN ACTION IN ARMED CONFLICTS

The Council of Ministers of the Organization of African Unity, meeting in its Sixtieth Ordinary Session in Tunis, Tunisia, from 6 to 11 June 1994,

Having considered the report of the Secretariat on the Information Day jointly organized by the OAU and the ICRC on international humanitarian law

and the activities of the International Committee of the Red Cross in Addis Ababa, Ethiopia, on 7 April 1994, as attached to the report of the OAU Committee of Fifteen on Refugees,

Bearing in mind the recommendations of this sensitization seminar on international humanitarian law and the activities of the International Committee of the Red Cross (ICRC),

Gravely concerned by the indiscriminate massacres taking place in the theatres of armed conflict,

Considering that the rules and fundamental principles of international humanitarian law constitute an accepted set of universal values that have not yet been sufficiently implemented,

Anxious to see that international humanitarian law becomes better known to all the people,

Aware of the need to strengthen international solidarity in order to protect the victims of armed conflict,

Expressing support to peace initiatives taken by the OAU and other organizations to avert armed conflict and relieve tension,

Convinced of the important role played by the humanitarian organizations in protecting and assisting victims in the event of armed conflicts:

1. Takes note of the recommendations of the OAU/ICRC first seminar organized jointly by the OAU and the ICRC on international humanitarian law held in Addis Ababa, Ethiopia on 7 April 1994;
2. Deplores the fact that the civilian population in general, and women and children in particular, are the main victims of hostilities and of acts of violence perpetrated during armed conflict;
3. Affirms its conviction that respect for the basic rules of international humanitarian law helps not only to relieve the suffering of all the victims and provide them with effective protection, but also to create an atmosphere conducive to dialogue and the restoration of peace;
4. Urges all Member States and warring parties to provide assistance and protection and to facilitate the action of the humanitarian agents during armed conflicts and to respect the Red Cross, Red Crescent and other humanitarian organization emblems;
5. Condemns the attacks and killings of the staff of humanitarian organizations and urges Member States and warring parties to insure their safety;

6. Invites all States that have not yet become party to the instruments listed below to consider, or reconsider, without delay the possibility of doing so in the near future:
 - a. the two Protocols additional to the Geneva Conventions of 1949;
 - b. the Convention of Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects of 10 October 1980;
 - c. the Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;
 7. Requests Member States to educate their population on the fundamental rules and principles of international humanitarian law;
 8. Pays tribute to the International Committee of the Red Cross (ICRC), UNHCR and other humanitarian organizations for their courage, their devotion and the service rendered to the victims of armed conflict and to refugees;
 9. Invites the Secretary-General to strengthen its cooperation with the humanitarian organizations including ICRC in conflict and war situations as well as to promote knowledge of international humanitarian law.
-

Organization of American States

TWENTY-FOURTH REGULAR SESSION

Belém do Pará, Brazil

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

The General Assembly,

Deeply disturbed by the testing, production, sale, transfer and use of certain conventional weapons that can be deemed to be excessively injurious or to have indiscriminate effects;

Considering:

That violations of international humanitarian law are intolerable and should be vigorously condemned by the international community, as stated in the Declaration on the Protection of War Victims adopted in Geneva on September 1, 1993;

That the norms and fundamental principles of humanitarian law constitute universally recognized values that must be observed;

That it behooves the Organization's member States to publicize humanitarian law in their countries;

That international solidarity to protect the victims of conflicts must be strengthened and the peaceful initiatives of the Organization of American States to prevent conflictive situations and to eliminate tensions must be supported, all within the framework of the OAS Charter and in accordance with international law;

That all the Organization's member States are parties to the four 1949 Geneva Conventions;

and

Recalling the final report of the International Conference on War Victims held in Geneva, August 30 through September 1, 1993,

Resolves:

1. To urge all the member States that are parties to the 1949 Geneva Conventions but that have not yet considered the possibility of signing the two 1977 Additional Protocols to the 1949 Geneva Conventions; the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (October 10, 1980); and the Convention on the Protection of Cultural Property in the Event of Armed Conflict (May 14, 1954), to consider doing so.
2. To urge all member States that are already parties to Additional Protocol I, and those which have not yet signed, but intend to do so, to consider the possibility of issuing the declaration set forth in Article 90 of that Protocol.
3. To urge all the member States to make every possible effort to ensure the security of personnel engaged in humanitarian activities, so as to guarantee protection and assistance for all victims without exception, in particular by respecting the Red Cross emblem.

4. To recommend that the OAS Secretary General continue to collaborate with the International Committee of the Red Cross (ICRC) on publicizing international humanitarian law and the work performed by that entity among member States of the Organization.*
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* For the time being, only the Spanish text of the resolution is official. The English version is a draft, pending the final version which will be adopted by the OAS drafting committee.

REGIONAL SEMINAR FOR ENGLISH-SPEAKING AFRICAN COUNTRIES

Harare, 31 January-4 February 1994

1. Introduction

A regional seminar on the implementation of international humanitarian law (IHL), organized by the International Committee of the Red Cross (ICRC) in cooperation with the Henry Dunant Institute, was held in Harare (Zimbabwe) from 31 January to 4 February 1994.

The seminar provided a forum for exchanging views and assessing what countries had done to adopt national legislation for the implementation of IHL. Indeed, to ensure compliance with many of the provisions of the Geneva Conventions and/or of the Additional Protocols, legal and practical measures have to be adopted at the national level in peacetime. The subjects discussed included national legislation for the repression of grave breaches of the humanitarian treaties, considered as war crimes; legal provisions for the protection of the Red Cross/Red Crescent name and emblem; prescriptions with regard to medical personnel, units and transports; and the translation of the treaties into national languages.

The seminar was attended by 32 participants — mainly government officials — from 18 English-speaking African countries. It was a follow-up to a series of approaches made by the ICRC to the States party to the Geneva Conventions with a view to promoting the adoption of national measures of implementation; it also came after several other regional seminars, such as those held in Sofia, Bulgaria (20-22 September 1990), for European countries; San José, Costa Rica (18-21 June 1991), for Latin American countries; and Yaoundé, Cameroon (23-27 November 1992), for French-speaking African countries.

2. Conclusions

The participants' conclusions and recommendations were summarized as follows.

At the international level

The participants agreed to do their utmost to:

- promote in their respective countries the universality of IHL treaties, including the 1977 Additional Protocols;
- urge the relevant authorities to recognize the competence of the International Fact-Finding Commission provided for in Article 90 of Protocol I;
- promote in their respective countries accession to the 1980 UN Convention on conventional weapons;
- coordinate activities with international governmental and non-governmental organizations working in the field of human rights, in order to harmonize efforts aimed at disseminating and ensuring respect for IHL;
- promote regional cooperation between States with a view to implementing IHL at the national level and exchanging information on the measures adopted or under consideration.

At the national level

The participants agreed that the first step should be to set up national interministerial committees responsible for studying and adopting national measures. It was agreed that those committees should focus as a matter of priority on:

- adopting or adapting penal legislation which provided for adequate sanctions for persons having committed war crimes or ordered them to be committed, and which also provided for respect for the judicial guarantees laid down in IHL and reparation for the victims — the repression of violations of IHL in non-international armed conflicts was seen as a matter needing further consideration;
- adopting or adapting legislation which provided for sanctions to repress misuse of the protective emblem, and taking all possible steps to prevent any commercial misuse harmful to the emblem's credibility;

- appointing legal advisers to the armed forces and promoting the exchange of information on procedures chosen for such appointments;
- promoting the adoption of military manuals and other similar instruments suited to the different levels of the hierarchy, in order to spread knowledge of the obligations embodied in IHL;
- identifying qualified personnel among persons working in the IHL field, creating a network of specialized experts, and sending lists of qualified personnel to the ICRC to facilitate the exchange of information;
- stepping up the dissemination of IHL, in particular among the armed forces and officers responsible for its application, and among all relevant target groups.

It should not only be a matter of informing or teaching the various target groups and persons responsible for implementing IHL, but of obtaining a real commitment on the part of States and everyone concerned so as to improve respect for the rules of IHL applicable during armed conflicts.

DECLARATIONS BY THE REPUBLIC OF NAMIBIA

On 17 June 1994 the Republic of Namibia deposited a declaration whereby the Protocols additional to the 1949 Geneva Conventions, to which the United Nations Council for Namibia had acceded on its behalf on 18 October 1983, with entry into force on 18 April 1984, continue to be applicable to Namibia in accordance with Article 143 of the Namibian Constitution.

The Republic of Namibia is the **135th** State to become party to Protocol I and the **125th** to Protocol II.

Moreover, on 21 July 1994 the Republic of Namibia made the following declaration regarding its recognition of the competence of the International Fact-Finding Commission:

“In accordance with Article 90, paragraph 2(a), of Protocol I of 1977 additional to the Geneva Conventions of 1949, the Republic of Namibia declares that it recognizes *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party”.

The Republic of Namibia is the **41st** State to make the declaration regarding the Fact-Finding Commission.

Books and Reviews

PRINCIPLES OF THE LAW OF ARMED CONFLICT

Paul Reuter Prize 1994

Numerous though the publications are that have appeared in recent years in the sphere of the law of armed conflict, not one dealt with this whole body of law in both a thorough and an exhaustive manner. That shortcoming has been made good by this work from Professor Eric David, who has been awarded the Paul Reuter Prize for 1994.¹ No doubt the author, a professor at the Brussels Free University, would not approve this manner of describing his work. He tells us that, despite its 792 pages, his book is not a "treatise" but a "simple compilation of various principles and problems relating to the law of armed conflict". He adds that he "omitted to address many subjects" such as, in particular, the law of war at sea and the law of neutrality; moreover he assures us that his analysis of the doctrine is "far from exhaustive". It is true that these reservations are not wholly unfounded but let us admit that it would hardly be possible in our age of rapid change to write a classic treatise covering the entire field of the law of armed conflict currently in force. Professor David's book caters in the best possible way to the need for a work providing information on virtually the entire body of rules comprised in the law of armed conflict, while at the same time offering some well-balanced and pertinent thoughts on the problems they pose. This work is a most welcome supplement and update to the "Commentaries of the ICRC lawyers", which the author describes as the "Bible of the law of armed conflict"!

It would do the author poor justice to attempt to mention all the matters he touches upon. It will be more judicious to draw the attention of the reader of this review to the stand taken by Professor David on various current issues arising from the law of armed conflict. This we shall do by following the order of the chapters in his book.

Chapter I, which concerns "*The field of application of the law of armed conflict*", deals, *inter alia*, with the many questions relating to the *legal definition*

¹ Eric David, *Principes de droit des conflits armés* (Principles of the law of armed conflict), handbook of the Law Faculty of the Free University of Brussels, Bruylant, Brussels, 1994, 792 pp.

of armed conflicts, with special reference to the distinction between international and non-international armed conflict which is becoming increasingly blurred.

One of the situations that the author examines is that of a *non-international armed conflict in which several third-party States intervene* as allies of one or other of the parties in conflict. The author rejects the broadly held view whereby a conflict of that type should be classified according to the nature of the parties involved; that is to say, a conflict between a third-party State and the government grappling with rebels would be an international conflict, while one between the government in place and the rebels, or one between the third-party State and the rebels, would be a non-international conflict. The author highlights the “absurd consequences” to which this approach would lead and pleads in favour of considering any internal conflict as international once there is foreign intervention. It is to be feared, however, that these apt remarks will hardly suffice to overcome the resistance with which this attitude meets.

Another situation that Professor David examines is that of *UN peace-keeping forces which intervene in non-international armed conflicts* and which are authorized, within certain limits, to use arms against one or more of the parties to the conflict. According to the author, UN intervention has the same effects as State intervention. Once the UN forces clash with one of the parties to the conflict, the conflict is international. In response to the question as to whether the UN, not being a party to the Conventions governing armed conflict, is obliged to apply the provisions thereof, the author replies in the affirmative, giving three reasons for his view: (1) the UN, as a subject of international law, is bound by its general rules; (2) the UN, as a “power” within the meaning of Article 2, para. 3, common to the four Geneva Conventions, is bound by the Conventions *vis-à-vis* the States party provided that it “accepts and applies” their provisions, which it has done in undertaking to “respect the principles and spirit” thereof; and (3) the States bound by the law of armed conflict cannot confer on the UN or on any other organization the right not to refer thereto. The UN is hence bound by the commitments made by its members. These conclusions are important contributions to current debate even though, in placing the UN on the same footing as all other international organizations, the author is perhaps not taking sufficient account of the special nature of the institution.

Professor David notes that there is a *tendency to consider the law of armed conflict as being applicable in its entirety to non-international conflicts*. This tendency was already apparent at the end of the 1960s in certain UN General Assembly resolutions which stipulated that the basic principles of the law of armed conflict were applicable “to all armed conflicts”. Since then, the Security Council has frequently called on parties to armed conflicts to respect humanitarian law, without regard to whether the conflicts in question were international or internal in nature.

Chapter II, which deals with the “*main ‘substantive’ rules of the law of armed conflict*”, comprises a section on the law of The Hague and another on the law of Geneva. In the paragraphs concerning the prohibition of certain weapons, the

author highlights a principle which is rarely considered - *the ban on the use of arms which "render death inevitable"* - a principle that appeared in the preamble to the St Petersburg Declaration of 1868. As the purpose of war is not to kill the adversary but to put him out of action, a weapon which necessarily kills all those within its range is in breach of that purpose. The author considers several weapons in the light of that principle, for example nuclear weapons and precision or "surgical" weapons (such as those used in the Gulf War) which spare civilians but are more effective against military personnel, making their death inevitable. The principle at issue is also raised with respect to the US Army which, during that same war, used tanks and bulldozers to bury Iraqi soldiers alive in their trenches.

Another subject examined in Chapter II is the *right of victims to receive relief and the right and duty of States and private individuals to provide such relief*. This very topical problem is handled with the necessary distinction being drawn between the Geneva Conventions, their Additional Protocols and United Nations law.

Chapter III, devoted to the *implementation and monitoring of the law of armed conflict*, deals with the respective duties of States and the role of Protecting Powers and that of the ICRC and relief organizations, and reviews investigation mechanisms. It is the author's opinion, with regard to the duty of States to "ensure respect" for humanitarian law, that when a third-party State witnesses violations of the law of armed conflict, it must take action, "in particular by making representations to or registering protests with the State responsible".

Chapter IV on *Reparation for violations of the law of armed conflict* gives a complete account of the *criminal responsibility of individuals* and ways of repressing war crimes. The author examines, *inter alia*, the question as to whether the articles on grave breaches found in the "General Provisions" of the Geneva Conventions apply also to internal conflicts. He concludes that facts constituting grave breaches according to the General Provisions are punishable regardless of the nature — international or otherwise — of the conflict during which they are committed. But such a line of reasoning conflicts with the fact that Protocol II, in omitting to mention this matter, tends to show that States did not think of considering violations committed during non-international conflicts to be war crimes. The author nevertheless wonders whether there might not be a current trend towards regarding them as such. And, on this point, he refers to the resolutions adopted by the Security Council in connection with the conflict in the former Yugoslavia.

In Chapter V, entitled "*Why is the law of armed conflict so frequently violated?*", Professor David adopts the stand that "it is the failure to apply the simplest rules which is still the most common and the most shocking". He gives an extensive account of the many and complex causes of violations of the law of armed conflict. Here, he turns his attention from legal problems to focus on political, economic and social aspects and more especially on sociology, psychology, anthropology and the like. He makes statements such as, "Violence breeds

violence”, “horror gives rise to more horror” or “We live in a world which, despite its intrinsic violence, quite rightly makes peace and justice its supreme objective...” and “People are rarely taught how to behave when faced with violence”. As for solutions to the problem, the author states that there is “but one and it can be summed up in a single word: *training*”. He also points out that “Better knowledge of the factors leading to violations of the law of armed conflict should make it easier to prevent them”.

This book by Eric David, which contains a wealth of information and knowledge, makes a major contribution to improving respect for the law of armed conflict and also constitutes an essential reference work for all concerned with the subject.

Dietrich Schindler

Dietrich Schindler is Honorary Professor at Zurich University and has been a member of the ICRC since 1980.

IL TEMPO DI ZEITHAIN 1943 - 1944

Diary of a young Red Cross nurse

After the armistice of 8 September 1943, some 630,000 Italian soldiers chose to work in German labour camps, rather than swear allegiance to Nazism and fascism and continue the war on the side of Hitler and Mussolini.

These Italian military internees (IMI) were deprived of prisoner-of-war status. Consequently, they were not treated as such and were unable to enjoy the protection of the ICRC.

In a further violation of the 1929 Geneva Conventions, the Nazis also interned medical and religious personnel who refused to comply with their requests. All the internees, both combatants and non-combatants, were subjected to intense physical and psychological pressure in order to induce them to side with the Axis powers. Very few of them changed their minds: the total number is estimated at no more than six per cent.

The conditions in the labour camps were atrocious, even in the Zeithain Lager,¹ though officially established to serve as a sanatorium for sick and wounded military personnel.

It was here that Maria Vittoria Zeme, a young Red Cross nurse aged 21, chose to endure sacrifice, suffering and illness in order to remain with her patients.

This young member of the Italian Red Cross kept a kind of journal in which she entered a few lines every day to record what she saw and felt most deeply during her life in the camp.

These notes, which were contained in a small diary forbidden by the camp's regulations, were published fifty years after the events they describe.² They need to be read at least twice. First, in order to experience their emotional impact, and then to analyse the text as an eyewitness account and a page of history.

¹ The Zeithain Lager, officially known as "Lazarett" or field hospital, was intended for use as a sanatorium for convalescing military internees, but in reality, like all other camps, its occupants suffered from severe food shortages and the total lack of sanitary and other facilities. Ailing Italian military personnel were sent to it from field hospitals in the Balkans, as were those in other camps who became invalids from exhaustion caused by slave labour conditions.

² Maria Vittoria Zeme, *Il Tempo di Zeithain, 1943 - 1944. Diario di una Crocerossina internata volontaria in un Lager-lazaretto nazista*, Alberti Libraio Editore, Verbania-Intra, 1994, 94 pp.

The lines, concise of necessity, reflect the fresh outlook of a young mind and the spontaneity of those endowed with the capacity for love. The eternal message, finding expression despite all the horror and abomination, is charged with emotion. The text also has beauty and considerable delicacy. It evokes the image of the "fioretti di San Francesco" flowering in the northern mist, between the cruel thorns of grief and death.

Above all, the journal demonstrates the writer's immense faith. This young nurse, with a dedication far beyond the requirements of her status, drew her strength and determination from a divine presence she never disowns, and which she integrated fully into her life.

Moreover, since when has barbed wire been sufficient to prevent the Holy Spirit from moving among mankind?

Sister Zeme's faith supplemented and strengthened the ethical principles of her chosen profession, working as she did within the Red Cross which demands a great deal of its members, even heroism, but not necessarily martyrdom.

One image will long remain printed on the hearts and minds of those who read this journal: a fragile young woman leading a blind soldier by the hand through the camp.

The second section of the book is devoted to numerous accounts and documents concerning the "*sorellina's*" work, which underscore her spirit of self-denial and sacrifice. It also reproduces the texts accompanying the medals and decorations bestowed on Sister Zeme, together with letters of congratulation.

On 12 May 1983, Sister Zeme was awarded the Florence Nightingale Medal by the ICRC as a tribute to her great professional skill, her sense of duty and her devotion to the ideals of the Red Cross at all times.

The book furthermore contains photographs and a twofold bibliography listing over forty specific and general works and other sources.

Il Tempo di Zeithain will be appreciated by those who wish to know more about this dark chapter in the world's history and to learn of the experiences of the 630,000 Italian soldiers who paid a high price for their dignity, as well as all who wish to share the impressions these events made on a noble mind.

Fabrizio Scaravelli

LANDMINES: A DEADLY LEGACY

One of the most promising recent developments in raising public concern about the horrors of war has been the emergence of an international campaign to ban the use, production, stockpiling, and sale, transfer or export of anti-personnel mines. Compiled by two of the organizations involved, The Arms Project of Human Rights Watch and Physicians for Human Rights, *Landmines: A Deadly Legacy* is an invaluable source book for participants in the campaign and anyone involved in the issue.¹

The book begins by evoking the scale of the problem of landmines, described in the title of Chapter 1 as “a weapon of mass destruction in slow motion”. At least eighty-five million and possibly over 100 million unexploded landmines are believed to lie scattered in at least 62 countries, with several hundred people killed or injured each month. Large areas of land are rendered inaccessible. The results are felt at all levels of society.

The book brings together a vast amount of information on the issue. There are short case studies on the landmines problem in seven of the worst affected countries; chapters on the medical and social consequences, on mine clearance, and on recent attempts to control landmines in various countries; and a detailed chapter on international law governing landmines, with an analysis of the weaknesses of Protocol II to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and information on the drafting history of the Protocol.

An especially original contribution is the chapter on global production and trade in anti-personnel mines. There is a list of landmines reportedly produced by government factories or private firms in 46 countries, with drawings of the more common models.

¹ *Landmines: A Deadly Legacy*, The Arms Project of Human Rights Watch and Physicians for Human Rights, Human Rights Watch, New York, Washington, Los Angeles, London, 1993, 510 pp.

The book has many valuable appendices, including the text of the moratorium on sales and other international transfers of anti-personnel landmines adopted by the US Congress in 1992.

Eric Prokosch

ADDRESSES OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

- AFGHANISTAN — Afghan Red Crescent Society, Puli Hartan, *Kabul*.
- ALBANIA — Albanian Red Cross, Rue Qamil Guranjaku No. 2, *Tirana*.
- ALGERIA (People's Democratic Republic of) — Algerian Red Crescent, 15 bis, boulevard Mohamed V, *Algiers*.
- ANDORRA — Andorra Red Cross, Prat de la Creu 22, *Andorra la Vella*.
- ANGOLA — Angola Red Cross, Av. Hoji Ya Henda 107, 2. andar, *Luanda*.
- ANTIGUA AND BARBUDA — The Antigua and Barbuda Red Cross Society, P.O. Box 727, *St. Johns*.
- ARGENTINA — The Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross Society, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, Wiedner Hauptstrasse 32, Postfach 39, 1041, *Vienna 4*.
- BAHAMAS — The Bahamas Red Cross Society, P.O. Box N-8331, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Crescent Society, 684-686, Bara Magh Bazar, G.P.O. Box No. 579, *Dhaka*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, 98, chaussée de Vleurgat, 1050 *Brussels*.
- BELIZE — Belize Red Cross Society, P.O. Box 413, *Belize City*.
- BENIN (Republic of) — Red Cross of Benin, B.P. No. 1, *Porto-Novo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, 135 Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha No. 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 93, Dondukov Boulevard, 1527 *Sofia*.
- BURKINA FASO — Burkina Be Red Cross Society, B.P. 340, *Ouagadougou*.
- BURUNDI — Burundi Red Cross, P.O. Box 324, *Bujumbura*.
- CAMBODIA — 17, Vithei of Cambodian Red Cross, *Phnom-Penh*.
- CAMEROON — Cameroon Red Cross Society, rue Henri-Dunant, P.O.B 631, *Yaoundé*.
- CANADA — The Canadian Red Cross Society, 1800 Alta Vista Drive, *Ottawa*, Ontario K1G 4J5.
- CAPE VERDE — Red Cross of Cape Verde, Rua Unidade-Guiné-Cabo Verde, P.O. Box 119, *Prata*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross Society, B.P. 1428, *Bangui*.
- CHAD — Red Cross of Chad, B.P. 449, *N'Djamena*.
- CHILE — Chilean Red Cross, Avenida Santa María No. 0150, Correo 21, Casilla 246-V., *Santiago de Chile*.
- CHINA — Red Cross Society of China, 53, Ganmian Hutong, 100 010 *Beijing*.
- COLOMBIA — Colombian Red Cross Society, Avenida 68, No. 66-31, Apartado Aéreo 11-10, *Bogotá D.E.*
- CONGO — Congolese Red Cross, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rica Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CÔTE D'IVOIRE — Red Cross Society of Côte d'Ivoire, B.P. 1244, *Abidjan*.
- CROATIA — Croatian Red Cross, Ulica Crvenog kriza 14, 41000 *Zagreb*.
- CUBA — Cuban Red Cross, Calle Prado 206, Colón y Trocadero, *Habana 1*.
- CZECH REPUBLIC — Czech Red Cross, Thunovská 18, 118 04 *Praha 1*.
- DENMARK — Danish Red Cross, 27 Blegdamsvej, Postboks 2600, 2100 *København Ø*.
- DJIBOUTI — Red Crescent Society of Djibouti, B.P. 8, *Djibouti*.
- DOMINICA — Dominica Red Cross Society, P.O. Box 59, *Roseau*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorean Red Cross, Av. Colombia y Elizalde Esq., *Quito*.
- EGYPT — Egyptian Red Crescent Society, 29, El Galaa Street, *Cairo*.
- EL SALVADOR — Salvadorean Red Cross Society, 17C. Pte y Av. Henri Dunant, Apartado Postal 2672, *San Salvador*.
- EQUATORIAL GUINEA — Red Cross of Equatorial Guinea, Calle Abilio Balboa 92, *Malabo*.
- ESTONIA — Estonia Red Cross, Lai Street, 17, EE001 *Tallin*.
- ETHIOPIA — Ethiopian Red Cross Society, Ras Desta Damtew Avenue, *Addis Ababa*.
- FJI — Fiji Red Cross Society, 22 Gorrie Street, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A. P.O. Box 168, 00141 *Helsinki 1415*.
- FRANCE — French Red Cross, 1, place Henry-Dunant, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMANY — German Red Cross, Friedrich-Erbert-Allee 71, Postfach 1460, 53105 *Bonn*.
- GHANA — Ghana Red Cross Society, Ministries Annex Block A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 10672*.
- GRENADA — Grenada Red Cross Society, P.O. Box 551, *St George's*.
- GUATEMALA — Guatemalan Red Cross, 3.ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.

- GUINEA — Red Cross Society of Guinea, P.O. Box 376, *Conakry*.
- GUINEA-BISSAU — Red Cross Society of Guinea-Bissau, rua Justino Lopes N.º 22-B, *Bissau*.
- GUYANA — The Guyana Red Cross Society, P.O. Box 10524, Eve Leary, *Georgetown*.
- HAITI — Haitian National Red Cross Society, place des Nations Unies, (Bicentenaire), B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.^a Calle, 1.^a y 2.^a Avenidas, *Comayagüela*.
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, 1367 Budapest St. Pf. 121.
- ICELAND — Icelandic Red Cross, Raudararstigur 18, 105 *Reykjavik*.
- INDIA — Indian Red Cross Society, 1, Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross Society, Jl. Gatot subroto Kar. 96, Jakarta Selatan 12790, P.O. Box 2009, *Jakarta*.
- IRAN, ISLAMIC REPUBLIC OF — The Red Crescent Society of the Islamic Republic of Iran, Avenue Ostad Nejatollahi, *Tehran*.
- IRAQ — Iraqi Red Crescent Society, Mu'ari Street, Mansour, *Baghdad*.
- IRELAND — Irish Red Cross Society, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, 00187 *Rome*.
- JAMAICA — The Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — The Japanese Red Cross Society, 1-3, Shiba-Daimon, I-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Amman*.
- KENYA — Kenya Red Cross Society, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, Ryonhwa 1, Central District, *Pyongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San Dong, Choong-Ku, *Seoul 100-043*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359 Safat.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, B.P. 650, *Vientiane*.
- LATVIA — Latvian Red Cross Society, 28, Skolas Street, 226 300 *Riga*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru 100*.
- LIBERIA — Liberian Red Cross Society, National Headquarters, 107 Lynch Street, 1000 *Monrovia 20*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, Heiligkreuz, 9490 *Vaduz*.
- LITHUANIA — Lithuanian Red Cross Society, Gedimino Ave 3a, 2600 *Vilnius*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, B.P. 404, 2014 *Luxembourg*.
- MADAGASCAR — Malagasy Red Cross Society, 1, rue Patrice Lumumba, 101, *Antananarivo*.
- MALAWI — Malawi Red Cross Society, Conforzi Road, P.O. Box 983, *Lilongwe*.
- MALAYSIA — Malaysian Red Crescent Society, JKR 32 Jalan Nipah, off Jalan Ampang, *Kuala Lumpur 55000*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MALTA — Malta Red Cross Society, 104, St. Ursula Street, Valletta, *Malta*.
- MAURITANIA — Mauritanian Red Crescent, B.P. 344, avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS — Mauritius Red Cross Society, Ste Thérèse Street, *Curepipe*.
- MEXICO — Mexican Red Cross, Calle Luis Vives 200, Col. Polanco, *México 10, D.F.*
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of Mongolia, Central Post Office, Post Box 537, *Ulaanbaatar*.
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat*.
- MOZAMBIQUE — Mozambique Red Cross Society, Caixa Postal 2986, *Maputo*.
- MYANMAR (The Union of) — Myanmar Red Cross Society, 42, Strand Road, *Yangon*.
- NAMIBIA — Namibia Red Cross Society, P.O.B. 346, *Windhoek*.
- NEPAL — Nepal Red Cross Society, Tahachal Kalimati, P.B. 217, *Kathmandu*.
- NETHERLANDS — The Netherlands Red Cross, P.O. Box 28120, 2502 KC *The Hague*.
- NEW ZEALAND — The New Zealand Red Cross Society, Red Cross House, 14 Hill Street, *Wellington 1*.
- NICARAGUA — Nicaraguan Red Cross, Apartado 3279, *Managua D.N.*
- NIGER — Red Cross Society of Niger, B.P. 11386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, 11 Eko Akete Close, off St. Gregory's Rd., P.O. Box 764, *Lagos*.
- NORWAY — Norwegian Red Cross, P.O. Box 6875, St. Olavspl. 0130 *Oslo 1*.
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, Sector H-8, *Islamabad*.
- PANAMA — Red Cross Society of Panama, Apartado Postal 668, *Panamá 1*.
- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, *Boroko*.
- PARAGUAY — Paraguayan Red Cross, Brasil 216, esq. José Berges, *Asunción*.
- PERU — Peruvian Red Cross, Av. Caminos del Inca y Av. Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, *Lima 100*.
- PHILIPPINES — The Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, *Manila 2803*.
- POLAND (The Republic of) — Polish Red Cross, Mokotowska 14, 00-950 *Warsaw*.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, 1293 *Lisbon*.
- QATAR — Qatar Red Crescent Society, P.O. Box 5449, *Doha*.
- ROMANIA — Red Cross of Romania, Strada Biserica Amzei, 29, *Bucharest*.
- RUSSIAN FEDERATION — The Russian Red Cross Society, Tcheremushkinski Proezd 5, 117036 *Moscow*.
- RWANDA — Rwandese Red Cross, B.P. 425, *Kigali*.

- SAINT KITTS AND NEVIS — Saint Kitts and Nevis Red Cross Society, Red Cross House, Horsford Road, *Basseterre*.
- SAINT LUCIA — Saint Lucia Red Cross, P.O. Box 271, *Castries*.
- SAINT VINCENT AND THE GRENADINES — Saint Vincent and the Grenadines Red Cross Society, P.O. Box 431. *Kingstown*.
- SAN MARINO — Red Cross of San Marino, Via Scialoja, Cailungo, *San Marino* 470 31.
- SAO TOME AND PRINCIPE — Sao Tome and Principe Red Cross, C.P. 96, *São Tomé*.
- SAUDI ARABIA — Saudi Arabian Red Crescent Society, *Riyadh* 11129.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SEYCHELLES — Seychelles Red Cross Society, P.O.B. 52, *Mahé*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6, Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE — Singapore Red Cross Society, Red Cross House, 15 Penang Lane, *Singapore* 0923.
- SLOVAKIA — Slovak Red Cross, Grosslingova 24, 81446 *Bratislava*.
- SLOVENIA — Red Cross of Slovenia, Mirje 19, 61000 *Ljubljana*.
- SOLOMON ISLANDS — The Solomon Islands Red Cross Society, P.O. Box 187, *Honiara*.
- SOMALIA (Somali Democratic Republic) — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA — The South African Red Cross Society, 25, Eriswold way, Saxonwold 2196, P.O. Box 2829, *Parklands* 2121.
- SPAIN — Spanish Red Cross, Rafael Villa, s/n, (Vuelta Ginés Navarro), El Plantío, 28023 *Madrid*.
- SRI LANKA — The Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, *Colombo* 7.
- SUDAN — The Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SURINAME — Suriname Red Cross, Gravenberchstraat 2, Postbus 2919, *Paramaribo*.
- SWAZILAND — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN — Swedish Red Cross, Box 27 316, 102-54 *Stockholm*.
- SWITZERLAND — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, 3001 *Berne*.
- SYRIAN ARAB REPUBLIC — Syrian Arab Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA, UNITED REPUBLIC OF — Tanzania Red Cross National Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND — The Thai Red Cross Society, Paribatra Building, Central Bureau, Rama IV Road, *Bangkok* 10330.
- TOGO — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA — Tonga Red Cross Society, P.O. Box 456, *Nuku Alofa*.
- TRINIDAD AND TOBAGO — The Trinidad and Tobago Red Cross Society, P.O. Box 357, *Port of Spain*.
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis* 1000.
- TURKEY — The Turkish Red Crescent Society, Genel Başkanlığı, Karanfil Sokak No. 7, 06650 Kızılay-*Ankara*.
- UGANDA — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, *Kampala*.
- UKRAINE — Red Cross Society of Ukraine, 30, ulitsa Pushkinskaya, 252004 *Kiev*.
- UNITED ARAB EMIRATES — The Red Crescent Society of the United Arab Emirates, P.O. Box No. 3324, *Abu Dhabi*.
- UNITED KINGDOM — The British Red Cross Society, 9, Grosvenor Crescent, *London, S.W.1X* 7EJ.
- UNITED STATES OF AMERICA — American Red Cross, 17th and D Streets, N.W., *Washington, D.C.* 20006.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- VANUATU — Vanuatu Red Cross Society, P.O. Box 618, *Port Vila*.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello, N.º 4, Apartado 3185, *Caracas* 1010.
- VIET NAM — Red Cross of Viet Nam, 68, rue Ba-Trìu, *Hanoi*.
- WESTERN SAMOA — Western Samoa Red Cross Society, P.O. Box 1616, *Apia*.
- YEMEN — Yemeni Red Crescent Society, P.O. Box 1257, *Sana'a*.
- YUGOSLAVIA — Yugoslav Red Cross, Simina ulica broj 19, 11000 *Belgrade*.
- ZAIRE — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, Zone de la Gombe, B.P. 1712, *Kinshasa*.
- ZAMBIA — Zambia Red Cross Society, P.O. Box 50 001, 2837 Saddam Hussein Boulevard, Longacres, *Lusaka*.
- ZIMBABWE — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare*.

ARTICLES SUBMITTED FOR PUBLICATION IN THE INTERNATIONAL REVIEW OF THE RED CROSS

The *International Review of the Red Cross* invites readers to submit articles relating to the various humanitarian concerns of the International Red Cross and Red Crescent Movement. These will be considered for publication on the basis of merit and relevance to the topics to be covered during the year.

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Texts should be typed, double-spaced, and no longer than 20 pages (or 4 000 words). Please send diskettes if possible (*Word-perfect 5.1 preferred*).

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● Bibliographical references should include at least the following details: (a) for books, the author's initials and surname (in that order), book title (underlined), place of publications, publishers and year of publication (in that order), and page number(s) referred to (p. or pp.); (b) for articles, the author's initials and surname, article title in inverted commas, title of periodical (underlined), place of publication, periodical date, volume and issue number, and page number(s) referred to (p. or pp.). The titles of articles, books and periodicals should be given in the original language of publication.

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Jean de Preux
INTERNATIONAL HUMANITARIAN LAW

SYNOPSES

From 1985 to 1989, the *International Review of the Red Cross* published nine legal synopses devoted to various aspects of international humanitarian law. The author, Jean de Preux, a former legal expert at the ICRC, adopted a didactic approach in dealing with major topics concerning humanitarian law (e.g. combatant and prisoner-of-war status) and in guiding the reader by highlighting key words and expressions relating to each of the topics (e.g. combatants: status, respect for the law of armed conflict, loss of status, general condition that combatants must be distinguishable, scope of the rule that combatants must be distinguishable, etc.). The texts were designed to facilitate the teaching of humanitarian law to both the initiated and the layman, whatever their background or occupation.

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The *International Review of the Red Cross* is a forum for reflection and comment and serves as a reference work on the mission and guiding principles of the International Red Cross and Red Crescent Movement. It is also a specialized journal in the field of international humanitarian law and other aspects of humanitarian endeavour.

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The *ICRC*, which gave rise to the Movement, is an independent humanitarian institution. As a neutral intermediary in the event of armed conflict or unrest it endeavours, on its own initiative or on the basis of the Geneva Conventions, to bring protection and assistance to the victims of international and non-international armed conflict and internal disturbances and tension.

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